



The Fire Brigades Union

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**HEALTH  
SAFETY &  
WELFARE**

**S**

**Health, Safety and Welfare  
Safety Representatives  
Handbook**

May 2008



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**"The immediate aims of  
The Fire Brigades Union  
are to serve its members  
by winning for them the  
best possible conditions"**

You are now one of many Safety Representatives working to save the lives and improve Health, Safety and Welfare standards for all FBU members at work.

Members should be treated equally and their individual, as well as collective needs and problems, responded to positively and objectively. It is part of a Safety Representatives job to be sensitive to these needs and help promote fairness and equality at work, particularly in relation to health and safety regardless of factors such as race, class, gender, age, sexual orientation, religion, nationality, disability etc.

Too many of our members are being killed or seriously injured. We must improve the safety record within the Fire and Rescue Service and this can be achieved with your assistance.

Your work is important to the FBU. As outlined in the foreword of our Union Rules, "*The immediate aims of The Fire Brigades Union are to serve its members by winning for them the best possible conditions,*" nowhere is this more prevalent than in the area of Health & Safety.

This booklet sets out the legal rights of a Safety Representative and will assist you in understanding and carrying out your role as an FBU Safety Representative. We have tried to set out your legal rights and where possible indicate the legislation or regulation, which supports these rights.

The information contained within it, is designed as an introduction to your role. Safety Representatives are entitled to paid time off for training and The Fire Brigades Union will assist and encourage you to obtain the appropriate training.

This booklet is not a substitute for training!

Please use this as a guide to your role and remember your contribution to the Union will make the workplace safer for all members.



The Safety Representative and Safety Committees Regulations (SRSC Reg) 1977 (1979 in Northern Ireland) provide the framework for the role of an FBU Safety Representative. Your '**Branch Safety Representative pack**' contains a copy of these, which are also known as the '**Brown Book**'. These are minimum legal standards, which will influence your role. Your effectiveness however will most likely be determined by the strength of the Union within your workplace.

In 1974 the Health & Safety at Work etc Act (HASAWA) provided for the appointment of recognised trade union safety representatives.

Section 2 of HASAWA 1974:

- **allows regulations to be made for the appointment by recognised trade unions of safety representatives – Sec 2(4)**
- **requires the employer to consult safety representatives regarding the making and maintenance of arrangements for health and safety – Sec 2(6)**

In summary your legal rights are:

## 1. To be consulted

Your employer must consult with you in any matter that might affect the health and safety of your members, as well as:

The introduction of any measures in the workplace that may substantially affect the health and safety of your members (SRSC Regulation 4A(a)).

The arrangements for nominating or appointing a 'competent person' to carry out risk assessments (SRSC Regulation 4B (b)).

Any health and safety information that your employer is required to provide the workforce with (SRSC Regulation 4B (c)).

The planning and organisation of any health and safety training that your employer is required to carry out (SRSC Regulation 4B (d)).

The health and safety consequences of the introduction of any new machinery or technology into the workplace (SRSC Regulation 4B (e)).

## 2. To inspect the workplace

As a Safety Representative, you have the right to inspect your workplace every 3 months (SRSC Regulation 5).

After substantial changes in working conditions (SRSC Regulation 5).

After a notifiable accident, dangerous occurrence or disease (SRSC Regulation 6).

After new information becomes available on a hazard in the workplace (SRSC Regulation 5).

After receiving any documents or information that you may think is relevant to the health and safety of your members (SRSC Regulation 7).

## 3. To investigate

You have the legal right to carry out a safety investigation at any time (although you should inform your employer that you intend to do one and why). You can carry out an investigation for any safety related reason – for example after an accident or if you receive a complaint from one of your members (SRSC Regulation 4).

## 4. To take up issues with your employer

Make representations to the employer on health and safety issues (SRSC Regulation 4).

Report hazards to your employer (SRSC Code of Practice 5c).

Request the formation of a Safety Committee (SRSC Regulation 4 & 9).

Have access to the employer without delay (SRSC Code of Practice 5(c)).



## 5. To involve your members

Investigate any safety concerns raised by members (SRSC Regulation 4).

Meet privately with members during inspections and after an accident (SRSC Regulation 5 & 6).

Keep members up to date on safety issues and publicise inspection results (SRSC Guidance Notes).

## 6. Receive information from your employer

You are entitled to see and to take copies of any document that relates to the health and safety of your members. This could include plans, technical information, accident reports, test or measurement results, information from manufacturers and information relating to any possible changes that might, impact upon health and safety (SRSC Code of Practice 5).

## 7. Facilities and assistance

Your employer must grant you "reasonable" facilities to support the work of a Safety Representative. The employer, must also offer facilities to carry out inspections in the workplace (SRSC Regulations 4 & 6).

## 8. Meet and get information from Health, Safety & Welfare Inspectors

Represent your members in discussions with HSE Inspectors and Local Authority Environmental Health Officers (SRSC Regulation 4).

Receive information, including copies of any letter or enforcement notices from inspectors (Health and Safety at Work Act 1974 Section 28).

## 9. Time to perform your duties

You, are legally entitled to be paid by the employer during the time you require to perform your role as an FBU Safety Representative or to receive training (SRSC Regulation 4).

## 10. Protection from victimisation

Safety Representatives cannot be disadvantaged or victimised as a result of their role or as a result of carrying out their role (SRSC Regulation 4 and Employment Rights Act 1996).

## 11. To be trained

Trade Union Safety Representatives have a legal right to paid time off to attend Trade Union Health and Safety Courses (SRSC Regulation 4(2) (b)). Trade Union Health and Safety Courses must meet standards set out in the Health and Safety Commission code of practice on training linked to Regulation 4(2) (b). Training should be approved by the TUC and /or the Union and others.

## 12. Time of with pay

Safety Representatives have the legal right to time off with pay to carry out their functions (SRSC 4 (2) (a)). This covers time off with pay to:

- Investigate potential hazards and members' complaints
- Carry out all types of inspections
- Consult with members, HSE Inspectors and the employer
- Go on training courses
- Attend safety committee meetings

The regulations do not specify the amount of time off but instead refer to the amount of time necessary to carry out the functions. This will depend on the types of hazards, the number of members the Safety Representative covers and the size of the areas covered. Do not agree to a specified number of hours for carrying out your role but try to stick to the "as is necessary" formula. Argue each case on its merits. If there is failure to agree, use the normal grievance procedure to try to resolve the matter.



## 13. Information

As an FBU Safety Representative, you have legal rights to collect information, which could help you, deal with health and safety issues in your workplace.

As a Safety Representative, your employer is required by law to provide you with ALL relevant Health and Safety information "within the employer's knowledge" (SRSC Regulation 7). This can mean any information that might affect the health and safety of your members.

This could include:

- **The Brigade Health and Safety Policy**
- **What procedures and what arrangements are in place to manage Health and Safety**
- **Any plans that the Brigade has which might impact on Health and Safety**
- **Copies of all risk assessments carried out by the Brigade**
- **Any control measures the Brigade has put in place to safeguard Health and Safety**
- **Copies of any accident or sickness information and any investigations carried out**
- **Details of any substances or chemicals in use at your workplace (COSHH)**
- **Details of any equipment in use**
- **Any other relevant information**

What you should do with this information

This information may be very useful in ensuring and improving health and safety in your workplace. If you are concerned about any of the information, you should raise this with your manager. Your manager must investigate your questions/comments and give you appropriate answers.

You may also wish to raise these issues with your safety management committee for discussion or further investigation.

If in any doubt, you should contact your Brigade Health & Safety Representative who in turn can seek advice from the Regional Health & Safety Coordinator or the National Officer for Health & Safety (See Appendix 2).

## 14. Information from Inspectors

As an FBU Safety Representative, you also have the legal right to obtain information from the HSE Inspectors or Environmental Health Officer (EHO's). Following an inspection of your workplace, for any reason, you must be given information regarding:

- **Any hazards/potential hazards discovered during the inspection**
- **Any action they have asked your Brigade to take**
- **Any Improvement Notice or Prohibition Notices they have issued**
- **The results of any test carried out**

### **The Safety Representatives and Safety Committees Regulations 1977 state that:**

- Safety Representatives have the legal right to receive information from Inspector in accordance with Section 28(8) of the Health and Safety At Work Act 1974 (SRSC Regulation 4 g)).
- SRSC Code of Practice 5 entitles Safety Representatives to obtain information (and take copies) of any information relating to health and safety.

## 15. Consultation

The law on consultation in regards to Health and Safety is one of the more helpful laws for a Trade Union official.

It states that your employer must consult you in every health and safety issue "in good time". This means that FBU Safety Representatives have the legal rights to be involved at an early stage of any planning or development of procedures or practices that might have an impact in health and safety.

This gives Safety Representatives the right to insist on being consulted before the introduction of any procedure or practice. It also entitles safety representatives to have time to consider and discuss with your members and also have time to respond.

Regulation 4A of the SRSC regulations states that your employer must consult with you on any matter that might affect the health and safety of your members, as well as:

- **The introduction of any measure in the workplace that may substantially affect the health and safety of your members** (SRSC Regulation 4A (a))
- **The arrangements for nominating or appointing a 'competent person' to carry out risk assessments** (SRSC Regulation 4A (b))

### POINTS TO REMEMBER

As a Safety Representative, you have the legal right to obtain any information that is relevant to the health and safety of your members

- You are allowed to take copies of any document that you think is relevant
- Consultation "in good time" means before a decision is taken. Consultation is NOT being informed of a decision that your employer has taken
- Consultation is a legal right – your employer cannot choose to consult
- Measures that affect health and safety are far reaching. For example, cutbacks in staff could affect health and safety. Therefore you would want to be consulted about any proposed cuts before they are made

- **Any health and safety information that your employer is required to provide the workplace with** (SRSC Regulations 4A (c))
- **The planning and organisation of any health and safety training that your employer is required to carry out** (SRSC Regulation 4A(d))
- **The health and safety consequences of the introduction of any new machinery or technology into the workplace** (SRSC Regulation 4A(e))

## 16. Inspecting the workplace

As a Safety Representative, you have legal rights that allow you to inspect your workplace. This can be a fire station, control room, fire safety office, training centre, etc. In fact, you are entitled to inspect anywhere your members may be called to work in or at.

As part of your 'Safety Representatives pack' you will find an **Inspection Checklist** and **Inspection Report Form**. These are designed to assist you in your role. Should you have areas not included on the checklist you will need to ensure that these areas are inspected. After inspections, it is important that your members are informed of the results of the inspection. For this you will find that displaying the findings on the Health & Safety Notice Board (which your employer should provide Regulation 4A(2)), will be a valuable way of informing members. **Meeting with members is likely to be the most effective method if this is possible.**

Things to remember when doing an inspection.

- **Talk to your members. Your members will be aware of potential hazards and will give you invaluable information**
- **Use your own knowledge and experience. You do not need to be professionally qualified or an 'expert', you will, by using your own knowledge and experience, be able to identify problems or potential hazards. If in any doubt over something you come across during an inspection, contact your Brigade/Regional Health & Safety official**
- **Use your checklist and reporting form**
- **Focus on the main problems. Remember to ask your members what they see as priorities**



## 17. What about non-members?

If non-FBU members approach you during your inspection, it is a good idea to listen to what they have to say. Explain what you are doing and the benefit of being an FBU member. Explain that if they are not an FBU member they will need to sort out their own problems.

## 18. What to do after an Inspection

Use your **Inspection Report Form**. There is no point in doing an inspection if you do not follow up on your findings.

The report form will inform your members of what you have reported to your managers. The report form has a place for you to enter a deadline for action by management. (You should give a reasonable time for action to be taken).

If management fail to take appropriate action with regards to your request, you should raise this with your safety committee. If there is not a workplace safety committee then you should inform your Brigade Safety Representative.

**NB. In the brigades who have Divisional/Area Command structure you may need to raise it with your FBU Safety Rep at the appropriate level. (Appendix 1 page 10)**

## 19. What does the Law say?

The Safety Representatives and Safety Committees Regulations say the law regarding inspection is as follows:

- **Safety Reps can do a formal inspection at least every 3 months; more where there are high risks or changing circumstances.** (SRSC Regulation 5(1) and Guidance Note 16)
- **Safety Reps can do an inspection after a change in conditions at work. This could be a change in work patterns, new technology or machinery or the introduction of new potentially hazardous substances.** (SRSC Regulation 5(2))
- **Safety Reps can carry out an inspection after the publication of new information by the Health & Safety Executive.** (SRSC Regulation 5 (2))

- **Safety Reps can carry out an inspection after a notifiable accident or dangerous occurrence\*** (SRSC Regulation 6 (1) and Guidance Note 28/29).
- **Safety Reps can investigate any document related to health and safety** (SRSC Regulation 7 (1))
- **Safety Reps can re-inspect to check that the employer has taken action** (SRSC Guidance Note 21)

**\*A notifiable accident is one that must be reported to the Health & Safety Executive. A full list is contained in the RIDDOR Regulations available from your Regional Health and Safety Officer.**

### POINTS TO REMEMBER

- By law you are entitled to carry out an inspection every 3 months – therefore you should aim to carry out at least 4 inspections every year
- Plan in advance what you want to look at on your inspection
- Remember to use your FBU Inspection Checklist sheet
- Involve your members as much as possible – find out what their problems are, and what they think the health and safety priorities are
- Make use of your Workplace Inspection Report Form – it is your proof that you have brought matters to the attention of your employer
- If your employer refuses to let you carry out inspections or fails to act on your inspection reports get in touch with your Brigade Secretary or Brigade Safety Representative



## 20. Investigating accidents/near misses in the workplace

In order to carry out an investigation into an accident or near miss situation, you will first need to put in place mechanisms for you to be informed that one has occurred. Regulation (7)(2) requires your employer to 'make available to safety representatives the information within the employers knowledge, necessary to enable them to fulfil their functions' this includes notifying you of any accident or near miss. You should check with your Brigade FBU Safety Representative to find out what arrangements have been agreed.

Following notification of an accident or near miss the sooner you investigate the better. If possible, attend the scene. The sooner you arrive the clearer other peoples memories will be and you will also be able to assess the scene for yourself.

To carry out the initial investigation you should record;

- **Exact address/location of Accident/Incident**
- **Date and Time of Accident/Incident**
- **The name and contact details of the person reporting the Accident/Incident**
- **Type of equipment, vehicle involved**
- **Full name, address and contact details of injured (if applicable)**
- **Contact details of any witnesses**

You should also ascertain if the Accident/Incident has been recorded in an accident book, if so its location; has anyone been hospitalised; is the Accident/Incident RIDDOR reportable; have those involved remained at work, have those involved visited a doctor;

- **Was there any evidence of equipment failure or the failure of a 'safe system of work'**
- **What conditions existed at the time of the Accident/Incident**
- **Brief description of any injuries etc.**
- **Brief description of any damage to equipment etc.**
- **Brief description of any immediate action taken**
- **Were there any known contributing factors**

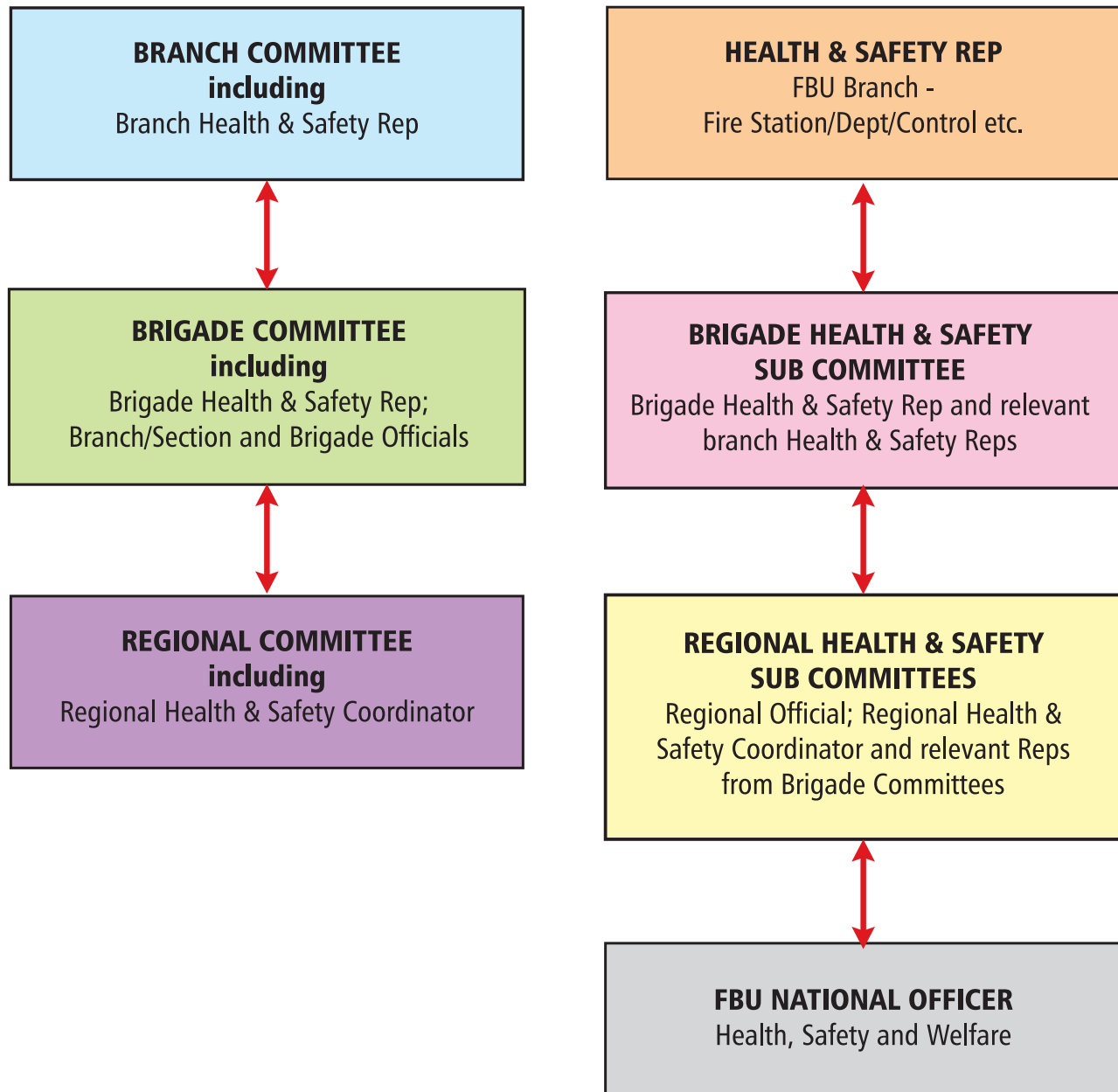
This information should then be forwarded to your brigade FBU Safety Representative.

Remember, this booklet is an introduction and training will be made available for you to advance your knowledge and skills as an effective FBU Safety Representative.

You will find in Appendix 1 (page 10) of this booklet a chart showing the structure of Health & Safety representation for The Fire Brigades Union. An up to date list of Regional Health & Safety Coordinators is available from the **FBU website: [www.fbu.org.uk](http://www.fbu.org.uk)**

Appendix 2 (page 11) details some contacts you may find useful in your role as a Safety Representative;

Please use this information to get started and if in doubt contact your brigade FBU Safety Representative.





### Useful Contacts:

[www.hse.gov.uk](http://www.hse.gov.uk)

[www.fbu.org.uk](http://www.fbu.org.uk)

[www.hazards.org](http://www.hazards.org)

[www.lrd.org.uk](http://www.lrd.org.uk)

[www.labourstart.org](http://www.labourstart.org)

[www.tuc.org.uk](http://www.tuc.org.uk)

[www.ilo.org/public](http://www.ilo.org/public)

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.infoscotland.com](http://www.infoscotland.com)



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