

# **Consultation with Employees**

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## **What should consultation be about?**

Consultation with employees must be carried out on matters to do with their health and safety at work, including:

- any change which may significantly affect their health and safety at work, for example in procedures, equipment or ways of working;
- the employer's arrangements for getting competent people to help him comply with health and safety laws;
- the information that employees must be given on the likely dangers arising from their work, steps taken to reduce or get rid of these dangers and what they should do if they have to deal with a risk or danger;
- the planning of health and safety training; and
- the health and safety costs of introducing new technology.

## **How should consultation take place?**

If an employer recognises a trade union and that trade union has appointed safety representatives, then the employer must consult those safety representatives on matters affecting the groups of employees they represent. Trade union elected representatives may also represent employees who are not members of their trade union.

Any employees not in groups covered by trade union safety representatives must also be consulted by their employers. The employer can choose to consult them directly or through elected representatives.

If the employer consults employees directly, he or she can choose whichever method suits everyone best. If the employer decides to consult his or her employees through an elected representative, then employees have to elect one or more people to represent them.

## **What information should be available?**

Employees or their representatives must be given enough information to allow them to take a full and effective part in the consultation.

If the employer decides, he or she can consult both the employees and their representatives about a particular issue.

Employers do not have to provide information that they are not aware of or if it:

- would be against the interests of national security or against the law;
- is about someone who has not given his or her permission for it to be given out;
- would - other than for reasons of its effect on health and safety - harm the business; or
- if the employer has got the information in connection with legal proceedings.

## **How to provide information.**

Information needs to be given clearly and simply so that people can understand it, and it should be related to their work activities. In many cases it is better to speak to workers face to face, this makes sure that you get their attention and you can encourage them to ask questions about anything they are unsure of.

Information can be presented in other forms including:

- E-mail
- videos
- posters
- leaflets
- newsletters
- tool-box talks
- surveys

Ask your employees which method of passing on information works best for them.

### **The role of the trade union safety representative and elected representatives of employee safety.**

The roles of trade union safety representatives are:

- to investigate possible dangers at work, the causes of accidents there and general complaints by employees on health and safety and welfare issues and to take these matters up with the employer;
- to carry out inspections of the workplace particularly following accidents, diseases or other events;
- to represent employees in discussions with health and safety inspectors and to receive information from those inspectors; and
- to go to meetings of safety committees.

The employer must set up a safety committee if two or more trade union safety representatives ask for one.

The roles of elected representatives of employee safety are:

- to take up with employers concerns about possible risks and dangerous events in the workplace that may affect the employees they represent;
- to take up with employers general matters affecting the health and safety of the employees they represent; and
- to represent the employees who elected them in consultations with health and safety inspectors.

Employers may choose to give elected representatives extra roles as well.

### **Training and help for elected representatives.**

The employer must make sure that elected representatives:

- receive the training they need to carry out their roles
- give them the necessary time off with pay and
- pay any reasonable costs to do with that training.

The TUC or the trade union concerned will offer trade union safety representatives training.

All representatives must be given reasonable time off with pay and appropriate help and facilities so they can carry out their role. Candidates standing for election as employee representatives are also entitled to reasonable time off with pay to carry out their roles.