

Health and Safety Consultation Toolbox

To improve health and safety standards within the construction industry the Construction Confederation and member federations believe that the culture of the industry must change. Everyone has a vital part to play in the health and safety agenda - accidents and ill health as a result of construction activities affect us all. For the necessary changes to take place we must set the agenda for change and we must then take responsibility for meeting that agenda. We should be committed to involving everyone in the health and safety of our construction sites and this includes the heart of our industry - our workforce. To effect a change, we must respect our workforce and consult all those involved on a project on how activities should be carried out.

In addition to introducing the consultation toolbox you may wish to look at the way health and safety concerns raised by your workforce are dealt with. For example, are individuals penalised in some way for raising health and safety concerns? How do management and supervisory staff speak to people in the workplace? If you are unsure how your managers and supervisors deal with health and safety concerns raised by your employees you may find this toolkit helpful in establishing and developing your policy.

What the law says

There are three sets of regulations requiring consultation on health and safety to take place:

- Safety Representatives and Safety Committees Regulations 1977 (as amended)
- Health and Safety (Consultation with Employees) Regulations 1996 (as amended)
- Construction (Design and Management) Regulations 2007

The Safety Representatives and Safety Committees Regulations 1977 (SRSCR)

If you as an employer recognise a trade union and that trade union has appointed or is about to appoint safety representatives under these regulations, then you must consult those safety representatives on matters affecting the group or groups of employees they represent. These groups of employees may include people who are not members of that trade union. The Health and Safety at Work Act and these regulations also provide for the formation of safety committees when requested in writing by at least two safety representatives. These regulations are based on the employer/employee relationship and are not limited to construction site personnel therefore office staff may also be included. The regulations specify the functions of safety representatives and safety committees and set out the obligations of you as an employer.

Under the SRSCR Regulations, the main functions of trade union safety representatives are:

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

The Health and Safety (Consultation with Employees) Regulations 1996 (HSCER)

As with the SRSCR 1977 they are based upon the employer/employee relationship and their application is not limited to construction sites. Office and depot staff must

also be consulted on issues relating to their health and safety. Within construction it is likely that some workers, who are self-employed for tax purposes may actually be considered as employees under health and safety legislation. Whilst consultation under these regulations is compulsory, you have the choice of consulting your employees either directly or through properly elected representatives. The election must be properly conducted and should be fair for all candidates wishing to stand as representatives. Should an employer choose to consult through elected representatives then you must provide suitable facilities such as access for photocopying, time to carry out their functions as a representative, access to managers to discuss health and safety issues and training to enable them to carry out their functions. Under these regulations, representatives of employees have the following roles:

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

It should be noted that the representative's roles under these regulations are not as extensive as those under the 1977 regulations. Employers may of course choose to give elected representatives additional duties in order to standardise the roles. Although the regulations do not provide an option for volunteer representatives, if your employees are content to be represented by a volunteer we would suggest that you use this route to consult your employees.

Construction (Design and Management) Regulations 2007 CDM

CDM regulations include a requirement upon the principal contractor for a construction project to ensure that all persons engaged upon construction work on the project are able to discuss and offer advice to him/her on relevant health and safety issues. The principal contractor must also ensure that there are arrangements for the co-ordination of the views of all such persons and/or their representatives. It is important to note that these requirements do not relate solely to the principal contractor's employees but to all persons engaged upon construction work on the project. The principal contractor's arrangements for fulfilling his consultation duties should be stated in the health and safety plan for the project.

What consultation entails

Consultation involves you as an employer not only giving information to your employees, but also listening to and taking account of what those employees say before you make any health and safety decisions. If a decision involving work equipment, processes or organisation could affect the health and safety of employees, you must allow time to give your employees or their representative's information about what is proposed. You must also give your employees or their representatives the chance to express their views. Then you should take account of these views before reaching a decision. Consultation with your employees must be carried out on matters to do with their health and safety at work including:

- Any change which may substantially affect their health and safety at work (eg changes in procedures, equipment or methods of working)
- Your arrangements for obtaining competent health and safety assistance
- Information on the likely risks and dangers arising from their work, measures to reduce or get rid of these risks and what they should do if they have to deal with a risk or danger
- Planned health and safety training
- Health and safety consequences of introducing new technology

Consulting employees and workers on health and safety matters is vitally important in creating and maintaining a safe and healthy working environment. By consulting employees and workers you involve staff in the decision making process, you can motivate staff to integrate health and safety into their work and you ensure that everyone is kept up to date and aware of current health and safety issues. Your business can become more efficient and you can reduce the number of accidents and work related illnesses amongst your workforce.

Using the toolbox

This toolbox has been developed by the Construction Confederation to engender effective and meaningful discussion between employers, employees and workers on health and safety issues and to begin the process of ensuring that health and safety is not just someone else's responsibility - it is everyone's responsibility. This briefing contains details of various consultation methods that you can use within your organisation. You may choose to use just one method or a combination of methods from this list. The methods below may not be appropriate for your project or workplace and you may choose to implement a means of consultation not included here. The method/s you choose should be appropriate for your organisation, your workforce and the particular project or site. You can use different

methods on different projects and these should be detailed within the construction phase health and safety plan and during induction training. You may also find that you need to change the method/s of consultations as work progresses as the number of workers on site increases or decreases. Whichever method/s you choose you must inform your employees and other workers involved and you must then implement the method effectively. Your chosen method/s of consultation should be detailed within your health and safety policy, the construction phase health and safety plan and during induction sessions on site.

Methods of consultation

01. Safety committees

Under the SRSCR where two or more trade union appointed safety representatives request in writing that a committee be established their employer has an obligation to set up a committee. Alternatively, you may decide to establish a safety committee in your workplace as a means of consulting your workforce.

02. Trade union safety representatives

On sites or projects where there is a recognised trade union and an appointed safety representative, the employer is required to comply with the SRSCR and consult safety representatives on health and safety issues. The safety representative may represent employees from one or more employers and should be able to take matters up with management without delay. Trade union safety representatives are an appropriate means of consulting with those workers who are represented by him/her, however not all workers will be represented by the appointed person and they need an alternative method of consultation. Consulting with a recognised trade union appointed safety representative is a legal requirement and should always be selected as one of the methods of consultation where there is an appointed safety representative.

03. Consultation through one or more representatives

Although the HSCER utilise the employer/employee relationship, it may be appropriate to have an elected or volunteer representative from the workforce to represent all workers on site on matters of health and safety. If you choose this method of consultation, a suitable election procedure should be established. It should be made clear which group of workers the representative represents and the representative should be made aware of their functions under the HSCER and provided with the necessary facilities to perform his/her functions. You may also find that workers are willing to volunteer for the role of

representative. In this situation if your workers are content to be represented by the volunteer you may use this route to consult.

When using this method of consultation, not all workers may wish to be represented by the elected or volunteer representative. A suitable method of consultation should be introduced to ensure these workers are properly consulted. Employers can still choose to consult workers directly on particular issues.

04. Site/project meetings

Site or project meetings are an extremely flexible method of consultation. Meetings can be arranged between trade contractors, as open meetings on site or to discuss particular aspects of the project. The meeting can be a short informal exchange of information or a more formal regular pre-arranged meeting. An atmosphere should be created where anyone can raise health and safety issues and feel confident that they will be openly discussed and any concerns addressed in the appropriate manner. Meetings should have a consistent format that enables all attendees to have an opportunity to speak if required and should have a feedback system that ensures that issues raised are dealt with and information fed back to the workforce. Site or project meetings are extremely useful where there are a large number of workers on site and a large number of trade contractors. Meetings between contractors and workers prior to work commencing ensures that all parties are aware of what will happen and provides an opportunity to ask questions and discuss any areas of overlap in advance of the work taking place.

05. Induction

Induction sessions on projects are often the first point of contact between the management team and workers on site. This is where information is provided on the project, the activities currently on site, site rules, site information and specific hazards particular to the project. Two-way induction sessions that actively invite the workforce to contribute their views on health and safety methods can be used as a method of consultation. If using induction as a method of consultation there must also be a mechanism to enable workers to make their views known after they have received their induction.

06. Toolbox talks

Toolbox talks are an extremely useful means of consultation particularly as they usually relate to a particular topic or activity. To be considered as a method of consultation toolbox talks must invite worker participation and take account of feedback from workers. If subcontractors/trade contractors carry out their own toolbox talks they should be

monitored to ensure the content is appropriate and to ensure that consultation does take place. This method of consultation is particularly useful for sub-contractors as toolbox talks have a more informal atmosphere giving an opportunity for all involved to make their views known. They can be carried out by a member of the site management team, visiting health and safety advisor, sub-contractor management or site supervisors.

07. Method statement briefings

Method statement briefings relate to a specific activity on a particular project at a particular time and should be specific to the workers who will follow the method of working. Such briefings are an extremely useful means of consultation enabling those who are to carry out the work to give their views on the proposed method of working. Consultation during briefings allows workers to raise any concerns, contribute their previous experiences, identify areas that are not appropriate on a particular site and suggest improved methods of working. To be considered as a method of consultation method statement briefings must invite and take account of worker contributions. If subcontractors/trade contractors carry out their own method statement briefings they should be monitored to ensure the content is appropriate and to ensure that consultation does take place. Particularly useful for sub-contractors, method statement briefings are very specific and can use workers experiences and knowledge to improve methods of working. They should be carried out by someone involved in the project who understands the activity involved.

08. Feedback suggestion boxes

Many people on a site or project may wish to raise a health and safety issue but may not want to speak at an open meeting or face to face with the site management. Feedback or suggestion boxes enabling workers to write down their concerns on an anonymous form is an appropriate form of consultation. This method does need to be anonymous and any issues raised must be dealt with in an appropriate way. This may involve feedback via a site notice board stating what if any action has been taken, or why action has not been taken.

09. Directly with each employee

On many occasions speaking to each employee about a change in circumstances or a proposed activity is the most appropriate form of consultation. This allows the employer or his representative to explain exactly what is happening and gives the employee the opportunity to give their view. This method of consultation is particularly suitable on small sites where there are a small number of workers.

09. Whistle blowing procedures

Many people on a site or project may wish to raise a health and safety issue but may not want to speak at an open meeting or face to face with the site management. Providing a phone line enabling the worker to raise their concerns anonymously with a company representative will enable issues to be raised by all workers. This method does need to be anonymous and any issues raised dealt with in appropriate way. This may involve feedback via a site notice board stating what if any action has been taken, or why action has not been taken.

10. Open door policy

Many workers would like to raise concerns direct with the site management but feel that their concern will not be taken seriously or will lead to them being labelled as a troublemaker. An open door policy where workers are invited to speak directly with members of the site management team and their concerns are taken seriously is a suitable means of consultation. This method is particularly suitable on small and medium sites where the site manager is readily available and known to everyone on site.

References

Safety Representatives and Safety Committees Regulations 1977 (as amended)
Health and Safety (Consultation with Employees) Regulations 1996 (as amended)
Construction Design and Management Regulations 2015 (CDM 2015)

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