

Becoming a safety representative or joining the safety committee

Information Sheet

Do you know that under the Safety, Health and Welfare at Work Act, 2005 you can put your name forward to be selected by your colleagues as their safety representative? You can also represent your department or division on the safety committee. Active worker engagement in safety and health reaps dividends for a company and ensures greater protection for all.

What are the benefits?

If workers see their company making progress on promoting safety and health, they will be motivated to do more to ensure compliance. The best way to get workers to follow safe work procedures is to get them involved in the development and review of those procedures. If workers feel that their opinions are valued and considered, they are much more likely to follow the processes when they are being implemented. After all it is the workers who are doing the jobs and they will know the work better than anyone.

What are the legal requirements?

Under Section 25 of the 2005 Act, all employees are entitled to select a safety representative to represent them on safety and health matters with their employer. Section 26 of this Act requires the employer to consult with employees to ensure cooperation with preventing accidents and ill health and in turn the workers can consult with their employer. Section 26 sets out the arrangements for this consultation on a range of safety and health issues. Where a safety committee is already in existence, it can be used for this consultation process.



Under Regulation 23 of the Construction Regulations where more than 20 persons are employed at any one time on a construction site, the project supervisor for the construction stage must facilitate the appointment of a safety representative.

Your employer must ensure that you know and understand your role as a safety representative or as a member of the safety committee. They must provide you with the training to carry out your role successfully. While the law does not put a management responsibility on workers to ensure better safety and health, it does allow those workers who get involved, the opportunity to promote better practice in their workplace.

What can a safety representative do?

Section 25 of the 2005 Act entitles employees to decide on, select and appoint a safety representative or, by agreement with their employer, select more than one safety representative. These workers can represent their colleagues in consultations with their employer on matters of safety, health and welfare at their workplace.

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.

Carrying out inspections

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. These factors should be 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.

The type and frequency of inspections must be agreed with the employer. For best effect, they should include a member of the safety committee for that area. Inspections can cover the whole or part of the workplace and may include a review of safety and health documentation as well as a walkabout. Following inspection, the safety representative should have the opportunity to discuss safety and health matters in confidence with the safety committee or employees that he or she represents.

Carrying out investigations

A safety representative may investigate accidents and dangerous occurrences in the workplace to find out the causes and help identify any necessary remedial or preventive measures. However, a safety representative must not interfere with anything at the scene of an accident. The safety representative cannot obstruct a Health and Safety Authority Inspector, from doing his or her investigation under occupational safety and health legislation.



What else can a safety representative do?

A safety representative may also:

- accompany a Health and Safety Authority 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 the workplace;
- make representations to the employer on safety, health and welfare at the workplace;

- 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 workplace; and
 - consult and liaise with other safety representatives appointed in the same workplace, whether or not they work in the same place or in different places under the control of the employer or at different times at the workplace (for example, safety representatives on different shifts).
- 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, and

Your role as a safety committee member

Your employer can use the safety committee as the way to consult with employees on safety and health matters under Section 26 of the 2005 Act. Details on how this should work are set out in Schedule 4 to the 2005 Act. The 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.

Employers must consult their employees 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 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 information and training must the safety representative and a safety committee member receive?

Under Section 8 of the 2005 Act, an employer has the duty to provide information, instruction, training and supervision necessary to ensure, the safety, health, and welfare at work of their employees including safety representatives and safety committee members. In order for them to do their job they must have access to information on:

- any risk assessments and safety statements prepared under the 2005 Act;
- information on reportable accidents, occupational illnesses and dangerous occurrences, without identifying any individual;
- any information on safety and health measures required under safety and health legislation; and
- any safety and health information on dangerous equipment, chemicals or processes used at their workplace including instruction manuals and safety data sheets.

This information must be given to them, so they can 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.

Since a properly informed safety representative or a safety committee can play an important role in preventing accidents and ill health, it is in the employer's interest to ensure that they 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;
- 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; and
- any information obtained by the employer which could affect his or her legal position in taking or defending any legal proceedings.

The business confidentiality rules that apply to any workplace, also apply to any information provided to safety representatives or the safety committee. In turn

the Health and Safety Authority Inspector can give the following information to the safety representative:

- Factual information to do with safety and health in that particular workplace, except any information revealing a trade secret.
- Information about any action the inspector has taken or proposes to take in connection with the workplace, for example, whenever the inspector serves an Improvement Notice or a 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.

Safety representatives and safety committee members are entitled to time off for training, without loss of earnings, so that they can acquire the knowledge to discharge their functions. The employer must facilitate this training.

For construction site safety representatives, the employer employing the safety representative must facilitate the training. The Authority has set out a syllabus on what safety representatives and safety committee members must receive training on, it is set out in reference 1 below.

Further information

Further information on many of the issues considered here is available in the following publications. All are available for free download from the Health and Safety Authority website at www.hsa.ie.

1. Safety Representatives and Safety Consultation Guidelines (updated 2016).
2. Safety Representatives Resource Book (2015).
3. A Guide to Risk Assessments and Safety Statements (Updated 2016).
4. A Guide to maintaining Best Practices in Safety and Health (2016).

Contact the Health and Safety Authority at wcu@hsa.ie or LoCall 1890 289 389.