

## **J1 – Trade Union and Employee Engagement Framework**

### **Appendix 1 - Additional arrangements for consultation in Health, Safety and Welfare**

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## **1. Aim**

- 1.1 The aim of these arrangements is to create a structure for the Council to consult with its staff and Recognised Trade Unions on work related health, safety and welfare matters and to meet the requirements of:
  - i) the Health and Safety at Work, etc. Act 1974
  - ii) the Safety Representatives and Safety Committees Regulations 1977
  - iii) the Health and Safety (Consultation with Employees) Regulations 1996
- 1.2 The main principles outlined in the Trade Union and Employee Engagement Framework apply to these additional arrangements for consultation on health, safety and welfare matters
- 1.3 All employees of the Council, including appropriate schools based staff are covered by these arrangements.
- 1.4 The Council is committed to ensuring a safe and healthy workplace, the provision of adequate welfare facilities and to consulting with staff and Recognised Trade Unions in order to:
  - i) Promote a healthy and safe working environment for all members of staff employed by the Council
  - ii) Ensure and monitor the welfare arrangements (facilities for eating, toilets, first aid and drinking etc.) provided for employees
  - iii) Give employees wider interests in and greater opportunity to influence, the environment and conditions under which their work is performed
  - iv) Provide a forum for consultations and as necessary negotiations, on health, safety and welfare arrangements and, health and safety issues resulting from Council Officers proposals to change the way work is performed.

## **2. Trade Union Appointed Health and Safety Representatives**

- 2.1 The Council accepts the right of 'Recognised Trade Unions' to appoint 'Safety Representatives' and will afford them such reasonable paid time necessary for them to carry out their functions and to undergo necessary training in order to carry out those functions.
- 2.2 Trade Unions will appoint Safety Representatives in accordance with the Safety Representatives and Safety Committees Regulations (the Regulations). The Trade Unions will agree with management the number of Safety Representatives within the Council who will be afforded the

facilities and assistance required, using the criteria outlined in the Regulations.

- 2.3 The Council will provide facilities and assistance that the Safety Representative may reasonably require to carry out their role. This may include:
- i) a telephone and quiet area where they can have private conversations as part of their role
  - ii) a lockable cabinet or desk for paperwork, records or reference material
  - iii) intranet and internet facilities (if available)
  - iv) a photocopier and a notice board to circulate information to the employees they represent
  - v) reasonable time with the employer to discuss health and safety issues.
- 2.4 Agreement has been reached with the Trade Unions that Appointed Safety Representatives will also represent non-members in matters related to health and safety in the workplace.
- 2.5 The Council will consult with Safety Representative on health and safety matters affecting Council employees, including:
- i) the introduction of any measure, system of work or equipment which may substantially affect their health and safety at work
  - ii) arrangements for getting competent people to help the Council comply with health and safety laws
  - iii) information the Council must give to employees on the risks and dangers arising from their work, measures to reduce or get rid of these risks and what employees should do if they are exposed to a risk
  - iv) the planning and organisation of health and safety training
  - v) any health and safety consequences of introducing new technology
- 2.6 Disagreements which may arise between the Council and trade unions or employees on the interpretation of the Regulations, with the exception of matters related to paid time off for Safety Representatives, will be settled through the normal machinery for resolving employment relations problems outlined in the Trade Union and Employee Engagement Framework.
- 2.7 For disagreements related to either, disagreements regarding paid time off for Safety Representatives or failure for the Council to pay them whilst

carrying out that function, Trade Unions may present a complaint to an Employment Tribunal.

### **3. Health and Safety Committees**

- 3.1 The Councils Health and Safety Committees (figure 1) will keep under review the measures taken to ensure the health and safety at work of employees.
- 3.2 The main objective of these committees is to promote co-operation in instigating, developing and carrying out measures to ensure the health and safety at work of Council Employees.

### **4. Area Joint Negotiation and Consultation Committee - Part 2 (health and safety)**

- 4.1 The main forum for consultation on matters related to health, safety and welfare shall be the Area Joint Negotiation and Consultation Committee - Part 2 (Health and Safety) (AJNCC-2).
- 4.2 AJNCC-2 shall have standard items that are specific to health, safety and welfare and specific terms of reference, as outlined in paragraph 4.4, so as to ensure an appropriate forum for these matters.
- 4.3 The functions of this Committee will be to:
  - i) Consider proposed new, and improvements to existing, local health, safety and welfare policies, procedures and safe systems of work.
  - ii) Monitor existing health safety and welfare arrangements
  - iii) Study health and safety statistics including serious accidents, notifiable diseases and accident/incident trends. Recommend action that may be necessary to reduce injuries, industrial diseases, dangerous occurrences and material damage
  - iv) Request advice from the Councils Health and Safety Officers on general or specific matters and make any recommendations necessary to implement that advice
  - v) Keep an oversight on any reports of serious accidents or communications from the Health and Safety Executive or other enforcing authorities which affects the Council
  - vi) Establish working parties, where it is felt necessary, to consider particular issues
  - vii) Consider any consultative documents on new health and safety information emanating from the Health and Safety Commission, European Community and any other authoritative health and safety body. Where applicable, to advise on the general approach Directorates should adopt in the light of the information received.

- viii) Monitor the effectiveness of health and safety training and where it is felt necessary to make recommendations to improve standards
- ix) Consider reports received from the People Management Group – Part 2 (health and safety), Councils Health and Safety Officers, Safety Leadership Officers, Safety Representatives, Council Officers and enforcement bodies
- x) Consideration of Directorate Annual Health and Safety reports.

4.4 The terms of reference for the Area Joint Negotiation and Consultation Committee Part 2 (health and safety) are as follow:

- i) Composition:
  - The Chairman of the Committee will be the appropriate Director
  - A maximum of 6 Management representatives, these representatives to reflect services within the Directorate represented
  - A maximum of 6 Representatives of the employees (Trade Union Representatives), these representatives to adequately reflect the Trade Union composition in the Directorate represented
  - The Head of Safety, Health and Wellbeing, or his nominated deputy, who will attend in an advisory capacity
  - With the agreement of both sides ex – officio officers, or representatives of trade unions who are invited to attend in an advisory capacity only
  - Where the trade union has insufficient Representatives in the relevant Directorate they may appoint members from a trade union in other service areas sharing the same workplace in order to fill up to 50% of their places.
- ii) Directors will be responsible for taking any necessary executive action to instigate or implement relevant recommendations made by the Committee
- iii) If a member of the Committee ceases to be an employee of the relevant Directorate, or ceases to be a member of a recognised trade union, they will cease to be a member of the Committee. Any vacancy shall be filled as soon as possible and written notification of the change immediately given to the Business Partner
- iv) The Quorum of the Committee will be two members from each side
- v) The Directors Executive Assistants shall maintain an up to date record of Management and TU Representatives
- vi) Committee Procedures:

- Items for consideration at any meeting of the Committee may be submitted by either side and should be received by the Business Partner at least 10 working days before the meeting
- The agenda of business shall be circulated by the Business Partner to each member of the Committee at least 5 working days before a meeting
- No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction
- Reasonable facilities shall be provided for meetings of both sides
- Minutes of the meetings of the Committee and the preparation of agendas shall be the responsibility of the Business Partner. Copies of the minutes of the Committee shall be circulated to all members of the Committee within three weeks of the meeting
- Before distribution the Chair or their representative and a representative of the Trade Unions shall sign minutes of any meeting of the Committee
- Decisions shall be arrived at only by agreement between the Management Side and Trade Union Side of the Committee. In the event of the two sides being unable to reach agreement on an agenda issue, it will be automatically referred back to the next meeting of the Committee. Where an issue has not been resolved after two meetings of the Committee a Management Side report will be submitted to the People Management Group – Part 2 (health and safety) for the matter to be resolved. Any such reference should be accompanied by the minutes of the relevant AJNCC-2
- The minutes of the meeting will record any decisions reached, the essence of discussions that do not require agreement and any formal failure to agree. Where the Chair Trade Unions are unable to agree the precise wording on the minutes, both versions will be recorded to enable their signatures to be made. The Business Partner is responsible for distribution of the minutes.

## **5. Trade Unions and Human Resources Meeting**

- 5.1 The Trade Unions and Human Resources Meeting considers organisational wide issues.
- 5.2 The meeting will have a standard item on health, safety and welfare.
- 5.2 The meeting will consider proposed new, and improvements to existing, corporate health, safety and welfare policies, procedures and safe systems of work.
- 5.3 The Head of Safety, Health and Wellbeing, or a nominated deputy, will attend to provide advice for the health and safety item.

## **6. People Management Group – Part 2 (health and safety)**

- 6.1 The People Management Group – Part 2 (health and safety) (PMG-2) will consider matters referred to it from the AJNCC-2. Before any issue can be presented to the General Functions Committee it will need to be submitted to this group.
- 6.2 PMG-2 shall have standard items that are specific to health, safety and welfare and specific terms of reference, as outlined in paragraph 5.6, so as to ensure an appropriate forum for these matters.
- 6.3 The PMG-2 will consider the matter and confirm any timescales that have been determined to resolve the matter. This is also where failure to agree is decided.
- 6.4 Where the matter is unresolved at this group it will be referred to the General Functions Committee.
- 6.5 In addition the functions of this group will be to:
- iii) study corporate accident/incident statistics and trends and major incidents
  - iv) monitor the Councils health and safety performance
  - iii) consideration of the Councils Annual Health and Safety report before presentation to General Functions Committee
  - iv) to examine new and revised Corporate Health, Safety and Welfare policies and procedures before presentation and adoption at General Function Committee
- 6.6 The terms of reference for the People Management Group - Part 2 (health and safety) are as follows:
- i) Composition:
    - The Chair of the PMG-2 will be the Deputy Chief Executive who will act as the representative of the Chief Executive
    - In the absence of the Deputy Chief Executive the Assistant Chief Executive will deputise as Chair
    - The Assistant Director for Human Resources and the Head of Business Partnering and Change, or their nominated representatives, will represent the employer
    - A maximum of 6 Representatives of the employees (Trade Union Representatives), who will represent the Trade Union composition in the Council
    - The Head of Safety, Health and Wellbeing, or his nominated deputy, who attend in an advisory capacity.
    - With the agreement of the Group ex – officio officers, or representatives of trade unions who are invited to attend in an advisory capacity only

- ii) Directors will be responsible for taking any necessary executive action to instigate or implement relevant recommendations made by this Group
- iii) The Quorum of the PMG-2 will be two members from each side
- iv) Meeting Procedures:
  - Items for consideration at any meeting of the PMG-2 may be submitted by either side and should be received by the Head of Safety, Health and Wellbeing at least 10 working days before the meeting
  - The agenda of business shall be circulated to each member of the PMG-2 at least 5 working days before a meeting
  - No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction
  - Reasonable facilities shall be provided for meetings of both sides
  - Minutes of the meetings of the PMG-2 and the preparation of agendas shall be the responsibility of the Assistant Director for HR. Copies of the minutes of the PMG-2 shall be circulated to all members of that Group within three weeks of the meeting
  - Before distribution the Chair or their representative and a representative of the Trade Unions shall sign minutes of any meeting of the PMG-2
  - Decisions shall be arrived at only by agreement between the Management Side and Trade Union Side of the PMG-2. In the event of the two sides being unable to reach agreement on an agenda issue, it will be automatically referred back to the next meeting of this Group. Where an issue has not been resolved after two meetings of the PMG-2 a Management Side report will be submitted to the General Functions Committee for the matter to be resolved. Any such reference should be accompanied by the minutes of the relevant PMG-2.
  - The minutes of the meeting will record any decisions reached, the essence of discussions that do not require agreement and any formal failure to agree. Where the Trade Unions are unable to agree the precise wording on the minutes, both versions will be recorded to enable their signatures to be made. The Assistant Director for HR is responsible for distribution of the minutes

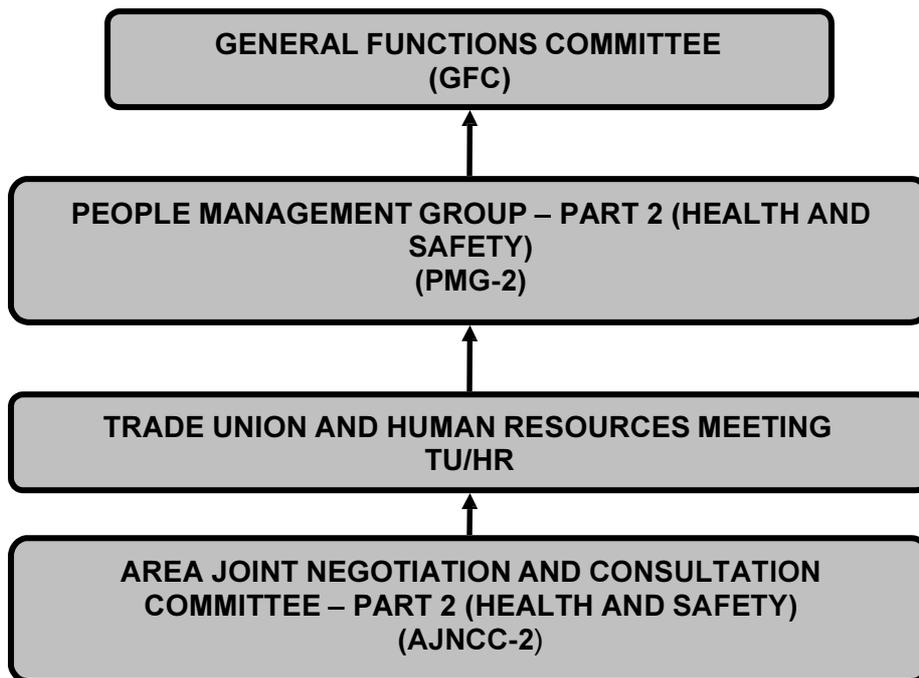
## **7. General Functions Committee**

- 7.1 Where there has been a failure to agree at People Management Group – Part 2 (health and safety) on any health, safety and welfare issue, that affects staff, the matter shall be referred to the General Functions Committee at its next scheduled meeting.
- 7.2 Issues concerning working arrangements which are submitted to the

General Functions Committee will be supported by the minutes of the AJNCC-2 and PMG-2 which considered the matter.

- 7.3 The GFC will make the final decision on any matter referred to it from the PMG-2.
- 7.4 The GFC will consider and approve new and revised Corporate Health, Safety and Welfare policies.
- 7.5 The GFC will consider and approve the Councils Annual Health and Safety Report submitted by the Head of Safety, Health and Wellbeing following approval from Council Director Group.
- 7.6 The GFC will consider and approve the Councils health and safety and health and wellbeing strategies submitted by the Head of Safety, Health and Wellbeing following approval from Council Directors Group.

*Figure 1*  
*Health and Safety Committees*



## **8. Health and Safety Governance**

- 8.1 The Councils governance and organisational arrangements for health and safety are contained in the Corporate Health and Safety policy.
- 8.2 Further governance arrangements to ensure corporate strategy, policy and performance monitoring:

- Annual Health and Safety report from the Chief Executive to Cabinet. The report to show corporate H&S performance of the Council, and its strategic partners, and strategies and targets for the subsequent 12 months
- Annual Health and Safety from Directors. The report to show H&S performance of the Directorate and strategies and targets for the subsequent 12 months
- Bi- annual update reports to the Council Directors Group (CDG) from Head of SHaW
- Bi-annual assurance reports to the Statutory Officers Group (SOG) from Head of SHaW
- Quarterly updates to Directorate Senior Management teams from H&S Consultants
- Briefings to the Leader of the Council and Chief Executive by the Head of SHaW on any significant issues that may affect the Council or its partners.

8.3 Figure 2 charts the Councils governance arrangements for the introduction of Council policy and monitoring and review of Council performance.

Figure 2  
Health and Safety Governance and statutory advice

