

# Involving your workers in health and safety: A guide for small businesses

## Introduction

By law, you must consult all of your employees on health and safety issues at work and this document explains how you can do this.

## Who is this information for?

This information is aimed mainly at employers in workplaces with fewer than 25 employees. At these workplaces, it would normally be practical for employers to consult with their employees directly. However, for those workplaces where the employer has chosen to consult through a representative elected by employees, it provides guidance on what help and training you must provide to the representatives.

**The simplest way to involve employees is to talk and listen.** It is important to do this, not only because the law requires it, but also because **everyone** from managers to individual employees can play a part in getting health and safety right.

Your employees often know best about the health and safety issues in your workplace and how to deal with them. There is also evidence to show that businesses which involve workers in managing health and safety actually have better health and safety standards, better productivity and a more motivated workforce.

**Consultation is not something you should fear.** It can simply mean talking to your employees regularly and considering their views before you take decisions about health and safety. It can be more effective to have a simple process, rather than something complicated.

**Consultation does not remove your right as an employer to manage.** You must still make the final decision, but talking to your employees is an important part of successfully managing health and safety.

There is a range of employment arrangements in workplaces, including employees, independent contractors and agency personnel. For the purpose of this guidance, the term 'employee' applies to people working under any of these arrangements. Some workers who are self-employed, for example for tax purposes, are classed as employees under health and safety law.

## **Why talk to your employees about health and safety?**

Talking to your employees about health and safety can result in:

- healthier and safer workplaces – because employee input is valuable in identifying hazards, assessing risks and developing ways to control or remove risks;
- better decisions about health and safety – because decisions are based on the input and experience of a range of people in the organisation, including employees who have extensive knowledge of their own job and the business;
- stronger commitment to implementing decisions or actions – because employees have been actively involved in reaching these decisions;
- greater co-operation and trust – because you and your employees talk to each other, listen to each other and gain a better understanding of each other's views;
- joint problem solving.

## **What must you consult about?**

You must consult with your employees on the following:

- any new measure which may substantially affect their health and safety at work, for example new equipment, new ways of working and new procedures;
- your arrangements for getting competent people to help you satisfy health and safety laws;\*
- the information you must give to your employees on the risks to health and safety arising from their work, measures to reduce or get rid of these risks and what they should do if they are exposed to a risk, including emergency procedures;
- planning and organising health and safety training; and
- the health and safety consequences for them of any new technology you plan to introduce.

## **What does consultation on health and safety involve?**

Consultation does not mean telling your employees about a decision on a health and safety matter after it has been taken. Consultation means giving your employees a chance to help you make the final decision.

### ***Provide information to employees***

The information you provide should be in a form that can be easily understood by employees.

If you have employees who have difficulty understanding English, or employees with low literacy levels, there are a number of ways you can communicate with them to encourage their involvement. These include: using interpreters; getting information translated (if the information is in writing); using pictorial information and signs where appropriate; and where information has to be in English, using clear and simple materials and allowing enough time for it to be understood.

\* A competent person is someone who has sufficient training and experience or knowledge and other qualities that allow them to assist the employer to meet those requirements. For further information, see [www.hse.gov.uk/business/competent-advice.htm](http://www.hse.gov.uk/business/competent-advice.htm).

### ***Give employees enough time to express their views***

You should allow enough time for your employees to consider the issues and get back to you with informed responses. They should be encouraged to ask questions, raise concerns and make recommendations.

### ***Take the views of employees into account***

You should take your employees' views into account before a final decision is made. This does not mean that you will always agree with them. You should respond to any concerns and questions raised, and explain the final decision and why it has been taken.

It is a good idea to provide direct feedback to those employees who contribute. This lets them know that their participation has been effective and may encourage other workers to participate.

## **Ways to consult**

You must consult any employees not in groups covered by trade union safety representatives. You can ask your employees if they would like to be consulted directly (if this is practical), or through representatives.

You can consult in several ways. If you consult directly with employees, you can use regularly scheduled meetings, such as toolbox talks, production meetings, team meetings and face-to-face discussions.

Other, indirect ways of consulting include staff surveys, employee suggestion schemes and notice boards.

You can use one or a mix of these methods, depending on your workplace.

## **What if I have health and safety representatives?**

Consulting individual employees is not practical for all businesses. If it is not practical for you to consult directly, there must be arrangements for health and safety representatives to be elected.

### ***What help and training must health and safety representatives receive?***

#### ***Provide paid time***

If you have **elected** health and safety representatives in your workplace, you must let them have:

- paid time as is reasonable in all the circumstances during their normal working hours for them to carry out their functions; and
- paid time as is reasonable in all the circumstances for them to undergo training to perform their functions.

#### ***Facilities and assistance***

You must provide health and safety representatives with access to facilities and other appropriate assistance so they can carry out their functions. Where practical, this may include:

- a telephone and quiet area where they can have private conversations as part of their role;
- a lockable cabinet or desk for paperwork, records or reference material;
- intranet and internet facilities;
- a photocopier and a notice board to circulate information to the employees they represent; and
- time with you to discuss health and safety issues.

## Consulting where there are trade union safety representatives

If you recognise a trade union in your workplace and that trade union **has appointed**, or is **about to appoint**, safety representatives, then you must consult those safety representatives on matters affecting the group or groups of employees they represent. Members of these groups of employees may include people who are not members of the trade union.

For more information on consulting where there are trade union safety representatives, see leaflet INDG232(rev1) *Consulting employees on health and safety: A brief guide to the law* and the legal guide L146 *Consulting workers on health and safety*.

### Case study 1: Micro business

<b>Overview</b>	This small business has eight employees and supplies parts to business.
<b>WHEN to consult</b>	<p>Consultation was required when:</p> <ul style="list-style-type: none"> <li>■ making decisions about the procedures for consulting with employees;</li> <li>■ the business wanted to purchase new screen-based computer equipment.</li> </ul>
<b>WHO to consult</b>	As it was practical to do so, the company consulted with all employees directly.
<b>HOW to consult</b>	<p>It was agreed that the consultation procedures for the workplace would be:</p> <ul style="list-style-type: none"> <li>■ the regular weekly meeting with employees where health and safety is always an item on the agenda; and</li> <li>■ additional meetings on particular issues where required or one-to-one discussions.</li> </ul> <p>Employees were encouraged to raise safety concerns and provide feedback either one-on-one or as a group – adequate time was provided for this.</p> <p>The business kept records of significant safety issues that were discussed, actions to be taken and timelines for taking action. The records were displayed on the notice board in the workplace and were e-mailed to employees as well.</p>

**Case study 2: Small business with health and safety representatives**

<b>Overview</b>	<p>This small warehousing company has 25 employees. Because of the difficulty of directly talking to all employees in the company, management had arranged for the election and training of health and safety representatives.</p> <p>The company decided to buy new fork-lifts. After discussion with the health and safety representatives, the company recognised that it also needed to redesign the layout of the warehouse to completely separate fork-lift traffic from pedestrian activity, and to construct a new loading dock to allow trucks to be loaded at tray level.</p>
<b>WHEN to consult</b>	<p>Consultation was required when:</p> <ul style="list-style-type: none"> <li>■ making decisions about the procedures for consulting with employees;</li> <li>■ the company proposed purchasing a new fork-lift, and redesigning the warehouse layout; and</li> <li>■ identifying or assessing risks and making decisions about risk controls (ie designing the layout of the warehouse to incorporate the new traffic management system, and developing and constructing a new loading dock).</li> </ul>
<b>WHO to consult</b>	<p>Management consulted with the elected health and safety representatives of those employees who were required to access the warehouse or loading bays – fork-lift drivers, dispatch employees, supervisors and maintenance employees.</p>
<b>HOW to consult</b>	<p>Initially, the Operations Manager met with the elected health and safety representatives representing affected employees to discuss the issues involved and the consultation process to be followed. The health and safety representatives agreed a consultation procedure with management:</p> <ul style="list-style-type: none"> <li>■ The health and safety representatives would have adequate time to meet with affected employees to discuss the issues. As a lot of information had to be considered, it was agreed that employees would have two weeks to consider the information and provide feedback.</li> <li>■ The Operations Manager provided relevant information to the health and safety representatives to be shared with the affected employees.</li> <li>■ Employees raised a number of practical issues, which the health and safety representatives discussed with the Operations Manager.</li> <li>■ Management considered these issues when making decisions.</li> <li>■ A response to employee concerns and suggestions was provided to the health and safety representatives and a copy placed on the notice board before any actions started.</li> </ul>

## Find out more

*Consulting employees on health and safety: A brief guide to the law* Leaflet INDG232(rev1) HSE Books 2008 (single copy free or priced packs of 15 ISBN 978 0 7176 6312 5)

*Consulting workers on health and safety. Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended). Approved Codes of Practice and guidance* L146 HSE Books 2008 ISBN 978 0 7176 6311 8

*Involving your workforce in health and safety: Good practice for all workplaces* HSG263 HSE Books 2008 ISBN 978 0 7176 6227 2

*Leading health and safety at work: Leadership actions for directors and board members* Leaflet INDG417 HSE Books 2007 (single copy free or priced packs of 5 ISBN 978 0 7176 6267 8) [www.hse.gov.uk/pubns/indg417.pdf](http://www.hse.gov.uk/pubns/indg417.pdf)

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

## Further information

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995 Website: <https://books.hse.gov.uk/hse/public/home.jsf> (HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: [www.hse.gov.uk](http://www.hse.gov.uk).)

For information about health and safety ring HSE's Infoline Tel: 0845 345 0055 Fax: 0845 408 9566 Textphone: 0845 408 9577 e-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com) or write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83 3GG.

**This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.**

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