

1. INTRODUCTION

The National Access & Scaffolding Confederation (NASC) recommends that all NASC Members implement a suitable consultation and participation processes, so far as is reasonably practicable, on matters which are likely to affect the physical health, safety or welfare of employees within the workplace.

It is worth noting that there is a legal duty for employers to consult with their workers on health and safety matters which stems from Health and Safety at Work Act 1974 (HASAWA) Section 2; *Every employer has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees, including the provision of information, instruction, training and supervision.*

This scaffolding guidance aims to provide a clear framework for NASC Members for:

- Consultation and participation on health and safety matters
- Employee representation on health and safety matters

Managers and Supervisors are responsible for ensuring consultation and participation is a fundamental element of health and safety management within their workplace. Consultation provides the opportunity for cooperative problem solving and improved outcomes for health and safety.

This safety guidance recognises the benefits of employee input and their participation in health and safety matters and aims to:

- Promote consultation and participation between management and employees in managing and resolving workplace health and safety risks,
- Ensure Managers and Supervisors are aware of hazards and health and safety issues experienced by employees, contractors and visitors,
- Encourage two way communication (i.e. top down bottom up) and building of relationships based on respect and trust,
- Enhance decision making about health and safety by gathering a wider source of health and safety ideas and knowledge,
- Support the industry commitment to health and safety,
- Reduce the number and severity of health and safety risks and hazards,
- Strengthen the health and safety culture, and
- Reduce conflict and absenteeism.

2. THE IMPORTANCE OF COMMUNICATION AND CONSULTATION

Good consultation and participation, albeit a legal requirement, are central to effective health and safety leadership management processes and are important when dealing with changes in working practices and procedures. Consulting with employees allows them to perform at their best as they know their duties, obligations and rights, and have the opportunity to make their views known on issues that may affect them. Effective employee communication can:

- Improve organisational effectiveness – time spent communicating at the outset of a new contract, project or work activity can minimise misunderstandings, for example an effective and efficient setting to work briefing.
- Improve management performance and decision making – by allowing employees to express their views enabling the company to arrive at effective decisions which are more likely to be accepted.
- Improve employees' performance and commitment – with accurate information about their jobs, targets and feedback, performance should improve. Furthermore commitment is also strengthened where employees are aware of what the employer is aiming to achieve and how, as individuals, they can influence decisions.
- Help develop greater trust – discussing issues of common interest and allowing employees the opportunity to express their views can promote improved management / employee relations.
- Increase job satisfaction – providing employees with an understanding of how their job fits into the workings of the company as a whole.

3. COMMUNICATION VS CONSULTATION

Employee communication is the provision and exchange of information between management and employees. Current, formal, methods used to support employee communication include:

- Briefings
- Team Meetings
- Setting to Work (RAMS)
- Safety Stand Down Time
- Local Committee / Engagement Group

Consultation is a process that should be implemented as soon as possible to enable management and employees, or their representatives, to jointly examine and discuss issues of mutual concern. This process assists the decision making process seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation involves management actively meeting with employees and/or their representatives, and taking account of views before making a decision.

4. SAFETY REPRESENTATIVES

A recognised trade union is entitled to appoint Safety Representatives from among the employees in all cases where one or more members are employed by an employer. Representatives are appointed when a recognised trade union notifies the employer in writing. L146 Consulting workers on health and safety can provide further advice.

5. HOW COMMUNICATION AND CONSULTATION SHOULD OPERATE WITHIN A COMPANY

It should be scheduled and planned for management to meet with employees on a regular basis. Meetings should be chaired by a member of the Senior Management Team (SMT), supported by supervision, and a safety representative or workplace safety representative (if one has been selected via the appropriate method). From time to time, depending on the items for communication/consultation, there may be a requirement for other SMT members to be present or other officers as deemed appropriate.

The availability of employees and the nature of the communication will dictate the frequency of meetings. Once established, the frequency of the meetings could change to meet business demands and if required additional meetings could be called either on an ad-hoc or regular basis.

Consideration should be given to meetings being chaired by alternate rotation on a regular basis by a management representative and an employee representative.

Attached to this guidance is a health and safety meeting agenda which can be amended to suit specific needs, regardless it provides a framework for discussion and agreed actions.

It is also recommended where practicable that a health and safety tour is performed before any health and safety meetings, not only does this provide visible leadership to the workforce, it bolsters the relationship of the health and safety committee.

6. TOPICS FOR CONSULTATION

Examples of topics on which information should be provided and on which employees will, as appropriate, be consulted could include:

- The development of employment policies, codes of practice and regulations
- The arrangements for training and developing staff
- Incident or near miss investigation
- Health and Safety Policy
- Health and Safety matters
- New equipment being introduced
- New methods of working
- Decisions likely to lead to substantial changes in work organisation or in contractual relations

The above is not an exhaustive list and other items may be included from time to time.

7. RECORDS

To fulfil legislative and statutory requirements, the NASC recommend that details of health and safety communication and consultation be recorded and retained as evidence that consultation and participation has occurred, in accordance with local arrangements, and, where appropriate, signatures obtained from attendees.

Using the template attached or devising your own will provide you with the appropriate record.

8. CONCLUSION

All organisations can benefit from good employee consultation and participation. Certain information, for example: concerning operational matters and employment rights, is essential, but in many successful organisations the principles of good management ensure that systematic consultation and participation take place on a much wider range of subjects. These organisations benefit from better decision making, greater employee understanding and commitment and improved industrial relations. Good communication and consultation can be achieved by any organisation if the following basic requirements are met:

- A lead is given by top management,
- All managers, including supervisors, are involved,
- Awareness of employees' needs and wants is established,
- Communication is two-way and employees' views are genuinely considered before decisions are taken,
- Communication and consultation is both systematic and regular.

Any organisation can review the effectiveness of its consultation and participation policies and practices and can itself take action to improve its system. It may also benefit from calling in a third party to:

- Assess its current communication and consultation arrangements,
- Discuss the organisation's needs,
- Work with the organisation to identify improvements.

9. REFERENCES / LEGISLATION

Information and Consultation of Employees Regulations 2004

General Data Protection Regulation 2018

The Safety Representatives and Safety Committees Regulations 1977 (where a union is recognised)

The Health and Safety (Consultation with Employees) Regulations 1996 (in a non-unionised premise)

The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

INDG232 Consulting employees on H&S – a brief guide to the law

<http://www.hse.gov.uk/involvement/index.htm>

<http://www.hse.gov.uk/involvement/publications.htm>

<http://www.hse.gov.uk/involvement/publications.htm>

10. APPENDIX

Health and Safety meeting agenda

MEETING AGENDA

Meeting/Project Name:			
Date of Meeting: (DD/MM/YYYY)		Time:	
Meeting Facilitator:		Location:	

1. Meeting Objective

2. Attendees – (insert rows as required)			
Name	Department	E-mail	Phone

3. Meeting Agenda – (insert rows as required)		
Topic	Owner	Time
Welcome and Introductions		
Actions from Previous Minutes		
Accident Statistics		
Issues affecting the location		
Welfare		
Training		
Personal Protection Equipment		
Housekeeping		
Customer Complaints/Material Defects		
New Employees/Training/Inductions		
Near Miss Reporting		
Tool Box Talks/Safety Bulletins		
Storage/COSHH Storage		
Risk Assessments/Method Statements		
Inspections/Audits		

4. Pre-work/Preparation (documents/handouts to bring, reading material, etc.) – (insert rows as required)	
Description	Prepared by

MEETING MINUTES

Meeting/Project Name:			
Date of Meeting: (DD/MM/YYYY)		Time:	
Minutes Prepared by:		Location:	

1. Meeting Objective

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2. Attendance at Meeting – (insert rows as required)

Name	Department	E-mail	Phone

3. Agenda and Notes, Decisions, Issues

Topic	Owner	Time
Welcome and Introductions		
Actions from Previous Minutes		
Accident Statistics		
Issues affecting the location		
Welfare		
Training		
Personal Protection Equipment		
Housekeeping		
Customer Complaints/Material Defects		
New Employees/Training/Inductions		
Near Miss Reporting		
Tool Box Talks/Safety Bulletins		

Meeting/Project Name:			
Date of Meeting: (DD/MM/YYYY)		Time:	
Minutes Prepared by:		Location:	
Storage/COSHH Storage			
Risk Assessments/Method Statements			
Inspections/Audits			

4. Action Items		
Action	Owner	Due Date

5. Next Meeting (if applicable)			
Date: (DD/MM/YYYY)		Time:	
		Location:	
Objective:			

Whilst every effort has been made to provide reliable and accurate information, we would welcome any corrections to information provided by the Writer which may not be entirely accurate, therefore and for this reason, the NASC or indeed the Writer, cannot accept responsibility for any misinformation posted.



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