



Employee participation

What is employee participation?

These articles are aimed at the basics of health and safety, and employee participation is a simple way to help make workplaces safer. Because employees are familiar with their work areas, and the equipment and machinery that they use, they are often the first to become aware of new hazards and potential problems. And because they are the ones most likely to be hurt if something does go wrong, they are usually keen to identify suitable ways to control these hazards.

Why do we need it?

Often business owners or managers are busy trying to find or undertake work and it is hard to focus on other issues. Safety and health may be ignored, or at most superficially understood. By introducing worker involvement, employers will be making a significant contribution to:

- Developing a positive health and safety culture – a critical factor for many businesses.
- Reducing accidents, ill health, and their associated costs.
- Meeting customer demands and maintaining credibility.
- Complying with legal requirements.

For front line managers, involvement and engagement of staff in health and safety can have a number of advantages, including:

- Increased team commitment to health and safety.
- Proactive risk assessment and development of action plans.
- Improved communication with staff.
- Better staff satisfaction and retention.

What does the law say about employee involvement?

All employers must give their workers reasonable opportunities to participate in the ongoing process of improving workplace health and safety.

An employer with more than 30 employees must consult with his or her staff and agree on a suitable means of giving them a voice in health and safety matters.

Those with fewer than 30 staff must also do this if they are asked to do so by an employee.

If there is already a system in place that gives workers a chance to raise and discuss health and safety issues, however, there will be no need to change it, provided all parties are happy with it and

that it:

- includes a process to be reviewed;
- complies, or is amended to comply with, section 19B, and
- is functioning.

What form should this participation take?

Participation can take any form, provided all parties agree.

An election can be held to pick one or more employee health and safety representatives, who may then work either as individuals or as part of a larger committee. A team representing management, workers and unions can be set up, or – in smaller workplaces – regular all-staff meetings may be held.

Although there may be no more than five elected reps on a workplace health and safety committee, there is no upper limit to the number of people who can be involved in other ways, and no rigid rules about how the exchange of ideas should take place. With the support of its workers, an organisation can come up with any system that suits it.

If, however, employer and staff cannot agree about how participation should work, there must

be an election to choose the staff representative(s) and always there must be a review process.

What does a health and safety rep do?

A rep's job is to represent the views of fellow employees on workplace health and safety issues. What exactly this means will vary according to the nature and size of the workplace, management structure, the number of reps on site, the level of union involvement, and employee needs.

If an election has been held because an agreed participation system could not be developed, the law says the chosen rep or reps must:

- actively promote good health and safety practices;
- keep the employer informed about newly identified hazards, and share in discussions about how to deal with them;
- consult with Department of Labour inspectors on health and safety matters;
- protect the interests of employees who are undergoing rehabilitation after a workplace accident; and
- carry out any functions referred to in relevant codes of practice.

Do employers have to provide reps with training?

Employers don't provide training themselves, but they do have to give their reps two days paid leave each year to attend an approved rep training programme.

There are currently 12 training providers who have been approved by the Minister of Labour (see below), and courses to cater both for new reps and for those who have been in the role for some time.

LINKS

Want to know more?

- For the nuts and bolts of how to set up an effective employee participation scheme – or improve one that is already in place – go to the Workinfo website at www.workinfo.govt.nz. Scroll down the page and click on the HSE Act link. This will take you to links that give a full list of approved rep training courses and a range of plain English resources about participation systems.
- Information about effective employee participation is available on the ACC website at www.acc.co.nz. From the Injury prevention drop-down menu click on Work safety, then go to ACC WorkSafe Cycle. Under Action select Employee participation.
- For some further information on the subject, visit the UK Health and Safety Executive (HSE) website www.hse.gov.uk and look for Worker involvement.

These courses give reps a basic understanding of health and safety law and teach them how to spot and manage hazards, investigate injuries and accidents, assist with rehabilitation and act as an intermediary between workers and management. Some of them are tailored to the needs of specific industry groups but others are suitable for any work situation.

Do reps have any special powers?

A trained rep can serve his or her employer with a hazard notice. This is a way of formally record-

ing that an identified workplace hazard has not been resolved to the rep's satisfaction. The rep must first discuss the hazard with his or her employer and a notice can only be served if the two parties cannot agree about managing it.

If the matter remains unresolved after the notice is issued, the rep can advise the Department of Labour. In this situation a notice has the same legal standing as a caution from a department inspector, and can be followed by an Infringement Notice (which imposes an instant fine) without further warning.

How long does a rep serve for?

Again this is a matter for agreement between parties. Some workplaces choose to elect or appoint new reps (or committee members) at comparatively short intervals, so as many as possible get a turn.

Others prefer to keep the same people in the job for several years so they gain experience and expertise.

The only requirement is that, however the representation system is organised, it must include a process for regular review to ensure it continues to function effectively. ■

This article is intended to provide only a broad overview of its topic. Our thanks to Patrick Seaman of Patrick Seaman Workplace Safety Ltd. Any errors, however, are Safeguard's.

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