



## Guideline Document



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Re: Guideline Document on the Safety Consultation & the Selection/Election of Safety Representatives

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Author (s)

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Consultation with:

National Health and Safety Function

Responsibility for Implementation:

All HSE Staff

Note:

Section 25 (1) of the Safety, Health and Welfare at Work Act, 2005 entitles employees to decide on, select and appoint a safety representative or, by agreement with their employer, more than one safety representative to represent them in consultations with the employer on matters of safety, health and welfare at the place of work.

*The information provided is for general guidance only, should you require more specific advice please contact the Health & Safety Help Desk. The management of any occupational health and safety issue(s) remains the responsibility of local management.*

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## 1.0 Introduction

The HSE actively promotes and supports employee participation in all aspects of the Safety Management Programme and consults with employees when establishing arrangements for securing co-operation in the workplace on all matters of safety, health and welfare. Consultation will be made in advance and in a timely manner so as to allow employees time to consider, discuss and give an opinion on the matters before managerial decisions are implemented.

## 2.0 Safety Committees

In accordance with Section 26 of the Safety, Health and Welfare at Work Act, 2005 and in line with HSE Governance arrangements a Safety Committee is established by local management (Local Senior Managers/Line Managers as appropriate) to include a balanced representation of management, staff and Safety Representatives. The number of members provides for a compact and workable group. In smaller facilities the role and functions of the Safety Committee are incorporated into and clearly defined in the Terms of Reference of Team Meetings.

The Safety Committee assists the HSE and employees in relation to the implementation of the relevant statutory requirements.

The committee has clear terms of reference that specify the roles of the committee and the conditions under which it functions. It meets regularly under a specific agenda which includes the monitoring and review of, and the consideration of action on, the following:

- Any representations made to the employer, to include representation from the Safety Representative(s) on any matters relating to safety, health and welfare
- The implementation of Quality Improvement Plans (QIPs) arising from audits
- Information relating to incidents, dangerous occurrences and instances of occupational ill health at the place of work
- Progress reports on the implementation of risk assessments and the Site Specific Safety Statement
- Implementation of the health and safety training programme and review health and safety training reports
- The promotion of activities on safety and health at work and wellbeing programmes
- Compliance and recommend actions that will improve the effectiveness of the local safety management programme
- The integration of safety, health and welfare into each respective service
- Local Key Performance Indicators (KPI) in line with HSE objectives to measure compliance with legislation and best practice
- The effectiveness of consultation arrangements regularly

Please note where integrated committees exist ensure that staff safety, health and welfare is afforded appropriate time to address all relevant issues at each meeting and receives appropriate action.

Please refer to [GD/003/03 Health and Safety Consultation – Guidance for the Establishment of Local Health and Safety Committees](#)

### 3.0 Safety Representatives

Section 25, of the Safety, Health and Welfare at Work Act, 2005 entitles employees to decide on, select and appoint a Safety Representative or, by agreement with their employer, more than one Safety Representative to represent them in consultations with the employer on matters of safety, health and welfare at the place of work.

The HSE recognises the importance and the value of Safety Representatives and fully supports the appointment of Safety Representatives from all disciplines within the HSE.

#### 3.1 Role of the Safety Representative(s)

The Safety Representative does not have *duties*, as opposed to *functions*, under the 2005 Act other than those that apply to employees generally.

Safety Representatives may:

- Make representations to their employer on any aspects of safety, health and welfare at the place of work
- Inspect the place of work after giving reasonable notice to their employer. The frequency and schedule of inspections must be agreed between the Safety Representative and the employer in advance
- Inspect the place of work in the event of an incident, dangerous occurrence or a situation of imminent danger or risk to health and safety
- Investigate accidents and dangerous occurrences provided they do not interfere with or obstruct any person fulfilling their legal duty
- After giving reasonable notice to their employer, investigate complaints made by employees whom they represent
- Accompany the HSA Inspector on a tour of inspection
- At the discretion of the HSA Inspector, accompany the Inspector while they are investigating an incident or dangerous occurrence
- Make oral or written representation to the HSA Inspector(s) on matters relating to safety, health and welfare at the place of work
- Receive advice and information from the HSA Inspector(s) on matters relating to safety, health and welfare at the place of work
- Consult and liaise with other Safety Representatives appointed in the organisation.

#### 3.2 Period of Office

As a general rule, the Safety Representative(s) should be in employment for a two year period, either by the HSE or within the healthcare sector. He/she should understand the role intended for them under the 2005 Act.

No specific term of office is laid down in the 2005 Act. However, to benefit from knowledge acquired and training received during the period, a term of office of three years is deemed appropriate. At the end of a term of office the outgoing Safety Representative is eligible for re-selection/re-election.

### **3.3 Training**

It is essential that the Safety Representative(s) has the knowledge and skills necessary to perform their function effectively.

The HSE provides training for Safety Representatives. The course content is based on the national agreed syllabus and participation on the course provides training in general on the functions of the Safety Representative. This training programme is 3 days duration and can be applied for by the Safety Representatives Manager through the [National Health and Safety Helpdesk](#).

Please note, Local Management are responsible for training Safety Representatives on the specific hazards and safe systems of work in their own workplaces.

### **3.4 Selection/Election of Safety Representative(s)**

To select a safety representative, employees may use the normal process for selecting employee representatives within their organisation or they may ballot all employees.

If a selection process does not already exist, the resource pack in Appendix 1 may be of assistance.

### **3.5 Further guidance**

<http://www.hse.ie/eng/staff/safetywellbeing/informationadvice/fags/safetyrepelections.pdf>

[https://www.hsa.ie/eng/Publications\\_and\\_Forms/Publications/Safety\\_and\\_Health\\_Management/Safety\\_Representatives\\_and\\_Safety\\_Consultation\\_Guidelines.pdf](https://www.hsa.ie/eng/Publications_and_Forms/Publications/Safety_and_Health_Management/Safety_Representatives_and_Safety_Consultation_Guidelines.pdf)

## **Appendix 1**

### **Resource Pack for the selection/election of Safety Representative(s)**

- Guidelines on the Appointment of Safety Representative (s)
- Nomination Poster –*Selection/Election of Safety Representative(s)*
- Nomination Form for the position of Safety Representative(s)
- Timetable for the selection/election of Safety Representative(s)

### **Guidelines on the Appointment of Safety Representatives**

The selection/election of Safety Representatives takes place every 3 years. At the end of the term of office the outgoing Safety Representative(s) is available for re-selection/re-election. The selection/election in each facility is co-ordinated by (insert name of person/co-ordinator)

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The **procedure** for **appointing** a staff member to the position of **Safety Representative** is as follows:

### Step 1

- The co-ordinator notifies all employees of the pending selection/election process
- **Posters** are displayed in all locations advising of the selection/election process and where nominations forms can be obtained.
- The co-ordinator issues the **Nominations forms** (to include the following information, the location, nominee, employee no., proposer and seconder)

### Step 2

In the event that the number of nominees proposed equates to the number of Safety Representative vacancies, these nominees are automatically elected and no election process is required. Where the number of nominees exceeds, steps 3-5 outlined below must be followed.

### Step 3

**In the event that an election is required, please note the following:**

- A **list** of all **staff** that are currently employed in your location and are eligible to vote must be **compiled**. This includes permanent, temporary, seasonal, locum and part-time staff. Persons who are not entitled to vote should not be included in this list.
- It will be necessary to ensure that there is a **designated room/area** in a central location to facilitate the voting procedure which should afford a voter the necessary privacy to undertake voting. A competent person must be assigned the duty of Presiding Officer. The Presiding Officer should be available to answer any queries which may arise during voting, they will supervise the count and assist in checking the ballot.
- It is essential that the **details of balloting** be properly **advertised** i.e. balloting dates, times, names and professional title of nominated staff e.g. Mary Murphy, Staff Officer etc. The posters should also be placed in prominent positions in each work location e.g. staff tea rooms and staff notice board. Allow a number of days for voting, and voting should be arranged to take place at different times e.g. 08:30am to 12pm or 2pm-5pm to facilitate staff.
- Each **nominee** must be **notified** of details of the **ballot** and when and where the counting of votes will take place, nominees should be advised that they may attend the count if they wish to do so.
- There must be at least one competent person in the polling office at all times when voting is taking place, this person will tick the staff members name on the list and hand out the **ballot paper** (which is stamped). **Ballot boxes** and **stamps** are supplied by (insert person's name here) \_\_\_\_\_

## Step 4

### What is the voting procedure?

When an employee asks to vote, the following is the procedure:

- (a) If the employee is one of the categories entitled to vote and is on the list of those entitled to vote, mark the name off the sheet by drawing a line through the name
- (b) If the employee is unknown to you, ask the employee for their name, grade and ID
- (c) If you are in doubt as to the identity of the employee, request identification or ring the employee's supervisor
- (d) If the employee is not listed you must satisfy yourself as to the employee's identity and the employee's entitlement to vote
- (e) If you are in doubt as to the employee's entitlement to vote, check with (1) the supervisor, (2) the administrator
- (f) If you issue a ballot paper to someone not on the list, record their name and grade on the list and draw a line through it
- (g) Issue ballot paper(s) and ensure that the official stamp is on the ballot paper
- (h) If a person spoils a ballot paper by mistake and advises you of this prior to the paper being placed in the ballot box, you may re-issue a fresh ballot paper provided you receive the spoiled ballot paper first, which you should destroy immediately
- (i) At the close of voting, count the number of persons who have voted by counting the number of marks on the list and write the number on the attached form. Place the completed form and the lists in the envelope and tape the envelope over the open slot of the Ballot Box
- (j) Ensure the Ballot Box is locked away in a secure place

## Step 5

### Guidelines for the Count

1. The ballot box will be opened by the Presiding Officer
2. The Presiding Officer, \_\_\_\_\_ will supervise the counting and assist in the checking of the ballots
3. Ballot papers for each nominee should be separated
4. Ballot papers should then be arranged and counted and checked
5. Spoiled votes should be left aside and checked before exclusion
6. The final figures are to be entered into the results sheet.
7. Any queries by staff representatives should be directed through (insert name) \_\_\_\_\_ and not to any member of the counting staff.
8. In the unlikely event that two or more nominees receive exactly the same number of votes, the names of these individuals will be placed in a hat. The first name pulled from the hat will be deemed elected, as Safety Representative, and the second name pulled from the hat will be deemed elected as deputy Safety Representative.

Note: Staff and Union representatives are permitted to observe the election count.

**A 3 day training course will be provided for selected/elected Safety Representatives by the HSE.**



# NOMINATION POSTER

## SAFETY, HEALTH AND WELFARE AT WORK ACT 2005

### SELECTION/ELECTION OF SAFETY REPRESENTATIVE(S)

(Insert location) \_\_\_\_\_ propose to carry out a selection/election process to appoint (insert number) \_\_\_\_\_ Safety Representative(s) to represent staff on safety, health and welfare issues.

Nominations are invited for the above position(s) in accordance with the Safety, Health & Welfare at Work Act 2005. Where more than (insert number) \_\_\_\_\_ staff member(s) is/are nominated they shall enter an election open to all staff in that location. Following the election, the successful candidate(s) shall hold the position of Safety Representative for the location for a period of three years.

Nomination forms for the above position are available from (insert person's name)

\_\_\_\_\_

Nomination forms are to be returned to \_\_\_\_\_ (insert name) on or before \_\_\_\_\_ (insert date)

Signed by: \_\_\_\_\_

**Site/Service Manager**

# NOMINATION FORM

Nominations are invited for the position of **Safety Representative(s)** in accordance with the Safety Health & Welfare at Work Act 2005. Following the selection/election the successful candidate(s) shall hold the position of **Safety Representative(s) of the location for a period of 3 years.**

## **Safety Representative - Safety Health & Welfare at Work Act 2005**

**Location:** \_\_\_\_\_

**Nominee:** \_\_\_\_\_

**\*Employee No.** \_\_\_\_\_

**Proposer:**  
**(Signature)** \_\_\_\_\_

**Secunder:**  
**(Signature)** \_\_\_\_\_

I \_\_\_\_\_ hereby accept that my name be put forward for the position of Safety Representative.

This nomination paper must be returned to \_\_\_\_\_ marked

## **NOMINATION- SAFETY REPRESENTATIVE**

***NOTE: Nomination forms without candidate's signature are invalid.  
\*Please ensure employee number is inserted above.***

## **ELECTION OF SAFETY REPRESENTATIVES TIMETABLE**

**IDENTIFY MANAGER(S) WITH RESPONSIBILITY  
TO CO-ORDINATE THE SELECTION/ELECTION  
PROCESS:**

**(INSERT DATE)**

**POSTERS TO BE DISPLAYED IN ALL LOCATIONS BY:**

**(INSERT DATE)**

**NOMINATION FORMS TO BE RETURNED BY:**

**(INSERT DATE)**

**ELECTIONS (IF APPLICABLE) TO BE HELD ON:**

**(INSERT DATE)**

**COUNTING OF VOTES ON:**

**(INSERT DATE)**

**TRAINING OF SELECTED/ELECTED SAFETY  
REPRESENTATIVES:**

**(INSERT DATES)**