

Corporate Health and Safety Committee

SUMMARY

- 1.1 The current Corporate Health and Safety Committee (CHSC) has been unable to meet in recent months due to being inquorate. By law, employers must consult with employees on health and safety matters.
- 1.2 To ensure the Council is compliant with its obligations to consult with employees and their chosen Health and Safety Representatives, it is proposed that a new Health and Safety Consultation Committee (HSCC), is convened.
- 1.3 A revised draft constitution for the new committee has been produced in conjunction with the Trade Unions. It has not been possible to implement the revised constitution due to the quoracy requirements of the current constitution. To resolve this issue, Officers and Trade Union Health and Safety Representatives have agreed that, subject to the approval of the Personnel Committee, the current Committee be dissolved and replaced by the new committee, with a new constitution.

RECOMMENDATION

- 2.1 To agree to dissolve the current Corporate Health and Safety Committee and convene a new Health and Safety Consultation Committee in line with the draft constitution at appendix 2.

REASONS FOR RECOMMENDATION

- 3.1 Convening a new Health and Safety Consultation Committee will ensure the Council meets its legal obligation to formally consult with employees about health and safety matters.
- 3.2 If the Council does not comply with the law it would be committing an offence. Health and Safety Inspectors from The Health and Safety Executive (HSE) can enforce the regulations where there is no evidence of consultation. Inspectors can also enforce the regulations if the Council fails to comply with its legal duties on procedural matters.

SUPPORTING INFORMATION

- 4.1 The Council is committed to protecting the health, safety and welfare of its employees, service users and contractors. Employee involvement and commitment is a key factor in the successful implementation of health and safety at work.
- 4.2 The Health and Safety at Work Act 1974 states specifically that ‘it is the duty of every employer to consult with Health and Safety Representatives with a view to the making and maintenance of arrangements which will enable the employer and its employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of employees’.
- 4.3 In addition to this the 1974 Acts states that ‘where two or more Health and Safety Representatives request in writing that the employer establish a safety committee, the employer must comply with this request within three months of receiving it. If the Employer does not comply with the request it will be committing an offence.’
- 4.4 Officers and Trade Union colleagues have been consulted on the new proposed consultation forum and have agreed in principle to the revised constitution, objectives and procedure.
- 4.5 Appendix 2 details the current Health and Safety Committee Constitution, and Appendix 3 details the draft new Health and Safety Consultation Committee constitution, which will be subject to ratification.
Appendix 4 details the HSE guidance on the Health and Safety at Work Act 1974, and its application in the workplace.

OTHER OPTIONS CONSIDERED

- 5.1 Take no action. This has serious implications for the Council’s reputation in terms of its Corporate Governance responsibilities.

This report has been approved by the following officers:

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| Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s) | |
| For more information contact: Background papers: List of appendices: | Nyree Treece, HR Adviser nyree.treece@derby.gov.uk , 01332 643673 None Appendix 1 – Current Corporate Health and Safety Committee Constitution Appendix 2 - New Draft Corporate Health and Safety Constitution Appendix 3 – Health & Safety at Work ACT 1974 an Explanatory Note. |

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| IMPLICATIONS |
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Financial and Value for Money

- 1.1 There are no direct costs arising from this report.

Legal

- 2.1 By establishing an appropriate health and safety committee, the Council is compliant with its legal obligations as detailed in the Health and Safety at Work Act 1974.

Personnel

- 3.1 None directly arising from this report.

IT

- 4.1 None directly arising from this report.

Equalities Impact

- 5.1 None directly arising from this report.

Health and Safety

- 6.1 The consultation mechanism between the Council and its Trade Union Health and Safety Representatives will ensure any health and safety concerns that may arise in the workplace are captured in a formal and timely manner.

Environmental Sustainability

- 7.1 None directly arising from this report.

Property and Asset Management

- 8.1 None directly arising from this report.

Risk Management

- 9.1 Compliance with health and safety regulations contributes to reducing the risk of action by the HSE.

Corporate objectives and priorities for change

10.1 None directly arising from this report.