

Stress: The most important Health and Safety Issue

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Health and Safety Representatives

- Almost the only remaining Statutory role for Unions.
- Hard to strike: British Airways
- Employment Tribunals won't reinstate
- H&S representation has statutory protection (and the Tories are not keen)



Table 3: All Unfair Dismissal Jurisdictional Complaints Disposed of at a Hearing¹¹

	Number	Percentage of unfair dismissal cases proceeding to a hearing	Percentage of all unfair dismissal cases disposed of¹²
Cases dismissed			
At a Preliminary Hearing	1,300	12	3
Unsuccessful at hearing	4,800	43	10
All cases dismissed	6,200	55	13
Cases upheld			
Reinstatement or reengagement	5	0	0
Remedy left to parties	120	1	0
Compensation	2,300	21	5
No award made	2,600	23	6
All cases upheld	5,100	45	11
All cases proceeding to a hearing	11,200	100	27



Table 5: Compensation awarded by Tribunals – cases with Unfair Dismissal jurisdictions¹⁷

	No.	%		No.	%
<£500	227	10%	£10,000-£12,499	130	6%
£500-£999	178	8%	£12,500-£14,999	100	4%
			£15,000-£19,999	125	5%
£1,000-£1,999	292	13%			
£2,000-£2,999	199	9%	£20,000-£29,999	140	6%
£3,000-£3,999	177	8%	£30,000-£39,999	65	3%
£4,000-£4,999	132	6%	£40,000-£49,999	34	1%
			£50,000+	49	2%
£5,000-£5,999	103	4%	All	2,309	100%
£6,000-£6,999	108	5%			
			Maximum award¹⁸		£173,408
£7,000-£7,999	93	4%	Median award		£4,560
£8,000-£8,999	75	3%	Average award		£9,133
£9,000-£9,999	82	4%			

The Safety Representatives and Safety Committees Regulations 1977

Functions of safety representatives

1. In addition to his function under section 2(4) of the 1974 Act to represent the employees in consultations with the employer under section 2(6) of the 1974 Act (which requires every employer to consult safety representatives with a view to the making and maintenance of arrangements which will enable him and his employees to cooperate effectively in promoting and developing measures to ensure the health and safety at work of the employees and in checking the effectiveness of such measures), each safety representative shall have the following functions:—
 - a. to investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to his attention by the employees he represents) and to examine the causes of accidents at the workplace;
 - b. to investigate complaints by any employee he represents relating to that employee's health, safety or welfare at work;
 - c. to make representations to the employer on matters arising out of sub-paragraphs (a) and (b) above;
 - d. to make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
 - e. to carry out inspections in accordance with Regulations 5, 6 and 7 below;
 - f. to represent the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority;
 - g. to receive information from inspectors in accordance with section 28(8) of the 1974 Act; and
 - h. to attend meetings of safety committees where he attends in his capacity as a safety representative in connection with any of the above functions;but, without prejudice to sections 7 and 8 of the 1974 Act, no function given to a safety representative by this paragraph shall be construed as imposing any duty on him.
2. An employer shall permit a safety representative to take such time off with pay during the employee's working hours as shall be necessary for the purposes of—
 - a. performing his functions under section 2(4) of the 1974 Act and paragraph (1)(a) to (h) above;
 - b. undergoing such training in aspects of those functions as may be reasonable in all the circumstances having regard to any relevant provisions of a code of practice relating to time off for training approved for the time being by the Health and Safety Commission under section 16 of the 1974 Act.

In this paragraph “with pay” means with pay in accordance with the Schedule to these Regulations.