

Health and Safety Commission

Improving worker involvement – Improving health and safety

Reply Form

(Please type or write in block capitals)

Part 1: Your details

Name of organisation or (if you are responding in a personal capacity) individual:	Professional Contractors Group		
Address:	Building 4, Heathrow Boulevard 280 Bath Road West Drayton		
Postcode:	UB7 0DQ		
Name of contact:	John Kell	Position:	Policy Officer
Telephone:	0845 125 9899	Email:	john.kell@pcg.org.uk

If you are replying on behalf of an organisation that is not on our original list of consultees¹, please say what it does.

PCG is the cross-sector representative body for freelance consultants and contractors. It is a company limited by guarantee and is owned and governed by its members (approx. 13,000).

How many people does it employ?	<input type="checkbox"/> 0 - 50	<input type="checkbox"/> 51 - 250	<input type="checkbox"/> 251 - 500	<input type="checkbox"/> 500+
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We'd like to understand as much as possible about the people who respond to this document.
Please let us know which of these best describes your role: (please check the box which applies to you)

Are you a:	Worker	<input type="checkbox"/>	Employer (senior manager)	<input type="checkbox"/>
	Employer (middle manager)	<input type="checkbox"/>	Health and safety professional	<input type="checkbox"/>
	Other (please specify)	PCG's members supply their service to clients on a freelance basis; they may work either as "workers" or as managers.		

Please also let us know: (by checking the box if it applies to you)

Are you a:	Trade union-appointed safety representative	<input type="checkbox"/>
	Representative of employee safety (non-trade union)	<input type="checkbox"/>

We may wish to contact you, for example, if we have a query. Please indicate if you would be happy to be contacted about your comments.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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¹ See Annex E of the Consultative Document for the list of consultees

Part 2: General questions

Q1 Have we got the right:

Legislation
Guidance
Encouragement

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No

Q2(a) Have we got the balance between these three right?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Q2(b) If not, which pillar or pillars need adjusting and how?

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Q3(a) What impact have the ICE Regulations had (or do you think they will have) on your organisation?

None - freelance contractors are, rightly, outside the scope of the regulations.

Q3(b) What impact have the ICE Regulations had (or do you think they will have) on consultation on health and safety?

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Part 3: Guidance pillar

Q4(a) Do you think the existing guidance should be improved?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Q4(b) If so, in what way?

Clarified; all available in one place and easily accessible; to take full account of modern ways of working, which extend well beyond the traditional divide of employer and employee.

Q4(c) What is the most useful part of our current guidance?

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Q4(d) What would be the most useful type of new guidance we could produce (for example, case studies)?

Part 4: Encouragement pillar

Q5(a) Based on what we know so far, do you think that we should promote a further voluntary initiative like the WSA Challenge Fund, once it ends in March 2007?

☐ Yes

☐ No

Q5(b) If so, what form should such an initiative take?

Q6(a) Do you believe that a framework of standards of best practice would be a useful and effective tool to encourage worker involvement?

☐ Yes

☐ No

Q6(b) Would you use such a tool in your own workplace?

☐ Yes

☐ No

Q7(a) What sorts of incentive to encourage more worker participation have been successful in your experience?

It has been the general experience of PCG members working in oil and gas that the 'Step Change' programme has tended to work when the workforce can see that the management is committed to it and are proactive in its implementation; whether, or to what extent, this is the case can vary between worksites.

Q7(b) What more can we in HSC and HSE do to help?

Part 5: Legislation pillar

Q8(a) Do you agree that a duty on employers to consult safety representatives on the overall mechanism of risk assessment and on significant assessments would be helpful?

☐ Yes

☐ No

Q8(b) Are our proposals practical?

☐ Yes

☐ No

Q9 What other measures do we need to take to make sure this does not become bureaucratic or simply a paper exercise?

Q10(a) Do you agree that employers should have a duty to respond to representations from safety representatives?

☐ Yes

☐ No

Q10(b) Do you consider that written representations and responses would be necessary?

☐ Yes

☐ No

Q10(c) What sort of systems do you think would work?

Q11 What do you consider to be a “reasonable time” for a response?

Part 6: Extension to non-trade union representatives of employee safety

Q12(a) Do you agree that both the proposed duties should be extended to include consulting and responding to representatives of employee safety under the HSCWE Regulations?

☐ Yes

☐ No

Q12(b) If not, why not?

Part 7: Health and safety representatives?

Q13 Do you agree that the titles of “safety representative” and “representative of employee safety” should be changed to “health and safety representative” and “representative of employee health and safety”?

☐ Yes

☐ No

Part 8: Final questions

Q14(a) Will the options suggested improve worker involvement for those who do not have access to either a trade union or non-trade union safety representative - for example, people who work in very small organisations?

☐ Yes

☐ No

Q14(b) If not, what do you think would work better for such people?

An improvement may result, but only a modest one. It may be that, given the figures stated in para 34 of the PRIA, people who work in very small organisations or are otherwise currently unrepresented are, in fact, unreachable.

Q15 If we were to propose legislative amendments, how can we keep administrative burdens to a minimum and maximise the impact on improved health and safety?

Q16 Please would you tell us which option (whether it is one of ours, or a suggestion of your own) will, in your opinion, be the single most effective thing we can do, and why?

If action is definitely to be taken - which, on the basis of the PRIA, seems inadvisable - voluntary standards and a framework for establishing best practice seem to be the least bad options. They will not be overly burdensome but could complement existing schemes such as the ISO9001 accreditation developed for small businesses by PCG.

Part 9: Regulatory impact assessment

Q17 HSC would welcome comments on the assumptions made in compiling the partial RIA and on its conclusions. Do you have any additional evidence to convince us that the benefits will outweigh costs?

Q18 We would be particularly interested to hear from local authorities about what would be the impact on them of enforcing additional regulations on worker involvement. If you are from a local authority, please let us know your thoughts.

Part 10: This consultation exercise

Q19 In your view, how well does this Consultative Document represent the different policy issues involved in this matter?

<input type="checkbox"/> Well	<input type="checkbox"/> Adequately	<input type="checkbox"/> Poorly
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Q20 Is there anything you particularly liked or disliked about this consultation exercise?

Liked: the long window for consultation and the brief summary document released with the consultation paper, the latter in particular being extremely useful. Overall we feel this has been a well-conducted consultation.

Disliked: this form seems to be worded with responses from companies and not trade associations in mind; some questions offer opportunity for only a "Yes / No" response to proposals and not further comment, eg Q6.

Please note: All responses will be placed in HSE Information Centres unless you state specifically that this response, or part of it, should be treated as confidential.

Treat as confidential?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Thank you for taking the time to let us know your views

Please email this form to workerinvolvement@hse.gsi.gov.uk

Alternatively, you can post it to us at:

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Please send your response to arrive no later than 8th September 2006