
STATUTORY INSTRUMENTS

1989 No. 971

The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989

ELECTION OF SAFETY REPRESENTATIVES ETC.

Safety representatives

4. The workforce shall be entitled to nominate and elect safety representatives in accordance with the following provisions of these Regulations.

Constituencies

5.—(1) The installation manager shall establish and thereafter, in consultation with any safety committee established in accordance with regulation 19 below, maintain for the purposes of these Regulations a system of constituencies, which shall be established by reference to one or more of the following factors—

- (a) the areas of the offshore installation,
- (b) the activities undertaken on or from the installation,
- (c) the employers of members of the workforce, and
- (d) other objective criteria which appear to the installation manager to be appropriate to the circumstances of the installation.

(2) The system of constituencies shall be such that—

- (a) there shall be at least two constituencies;
- (b) every member of the workforce can be assigned to a constituency; and
- (c) the number of persons who may at any time be assigned to a constituency shall not exceed forty and shall be no fewer than three.

(3) In determining the number of persons to be assigned to a constituency the installation manager shall have regard, in particular, to the nature of the work undertaken by the members of the constituency and the hazards related thereto.

(4) The installation manager shall signify the establishment or modification of a constituency by ensuring the posting in appropriate languages at suitable places on the installation so that they can easily be read by all the members of the workforce of—

- (a) particulars of the establishment or modification of the constituency; and
- (b) subject to paragraph (7) below, notice that the installation manager will consider any representations with regard to such particulars as may be made to him within the prescribed period commencing with the date of their posting in accordance with paragraph (5) below.

(5) Subject to paragraph (7) below, representations may be made by any member of the workforce and, if the constituency is intended to be comprised exclusively of persons employed by the same employer, that employer.

(6) If any representations are made to him in accordance with paragraph (4)(b) above, the installation manager shall forthwith consider them, and if he considers that they necessitate

amendment of the particulars referred to in paragraph (4)(a) above he shall ensure that amended particulars in appropriate languages are posted at suitable places as prescribed in paragraph (4) above.

(7) Where an installation manager proposes to establish a constituency and there is in existence on the installation a safety committee established under regulation 19 below, paragraphs (4)(b), (5) and (6) above shall not apply but the installation manager shall consult the safety committee and if the constituency is intended to be comprised exclusively of persons employed by the same employer, that employer.

Membership of constituency

6.—(1) The installation manager shall as soon as practicable ensure that every member of the workforce is assigned to a constituency established under regulation 5 above.

(2) The installation manager shall subsequently ensure that each new member is assigned to a constituency and informed in writing of the constituency to which he has been assigned and of the name of the safety representative of that constituency and the safety representative shall be informed in writing of the name of any new member of the workforce assigned to his constituency.

(3) Paragraphs (1) and (2) above shall not apply to any member of the workforce who at no time while on the offshore installation is expected to remain thereon for any period longer than forty-eight hours.

Elections

7. Subject to regulation 15 below, the members of the workforce assigned to a constituency may elect one safety representative in accordance with the provisions of regulations 8 to 13 below.

Nominations

8. As soon as practicable after—

- (a) the establishment or modification of a constituency, or
- (b) the expiry of a period of two years since the safety representative was last elected, or
- (c) a person's ceasing to be the safety representative in accordance with paragraph (b), (c) or (d) of regulation 14 below,

the installation manager shall ensure that a notice in appropriate languages is posted at suitable places as prescribed in regulation 5(4) above and that an election is to take place in relation to the constituency in question, with details of the members of that constituency; and he shall invite the nomination of candidates for election to be made to him during the prescribed period commencing with the date of posting of the notice.

Candidates

9.—(1) A person shall be eligible to be a candidate for election as the safety representative for a constituency if the installation manager is satisfied that he is a member of that constituency, that he is willing to stand as a candidate for the constituency, that he has been nominated by a second member of the constituency, and that his nomination has been seconded by a third member.

(2) The installation manager shall provide every person who is eligible to be a candidate with reasonable facilities to enable him to promote his election campaign.

List of candidates

10. After the expiry of the period allowed for nominations under regulation 8 above and within one week from that date, the installation manager shall ensure that there is displayed in appropriate languages at suitable places as prescribed in regulation 5(4) above—

- (a) a list of duly nominated candidates; or
- (b) if no candidate has been duly nominated, notice of the existence of a vacancy.

Secret ballot

11.—(1) If in any constituency more than one candidate is duly nominated, the installation manager shall, throughout the prescribed period commencing with the expiry of the one week period specified in regulation 10 above, conduct a secret ballot in which each member of that constituency shall be entitled to vote for one candidate in the constituency.

(2) If the Secretary of State receives a claim in writing from a member of the workforce that a ballot held for the purposes of paragraph (1) above does not comply with the requirements of that paragraph or has not been conducted fairly, he may, if he is satisfied that the claim is justified, declare the ballot to be a nullity and direct the installation manager or the installation owner to conduct a further ballot in accordance with such requirements as the Secretary of State may specify.

(3) The installation manager or the installation owner shall comply with any directions given by the Secretary of State under paragraph (2) above.

Results

12. The installation manager shall—

- (a) ensure that within one week from the expiry of the election period prescribed in regulation 11(1) above or specified under regulation 11(2) above a notice in appropriate languages is posted at suitable places as prescribed in regulation 5(4) above certifying the result of the ballot or, in the case of a constituency for which only one candidate has been duly nominated, declaring that candidate to be the safety representative for that constituency; and
- (b) as soon as is practicable thereafter issue to every person elected to be a safety representative a document signed and dated by him which certifies the date on which the person was elected, the name of the person's employer (if any), the name or other designation of the offshore installation and a description which is sufficient to identify the constituency he represents.

No candidate

13. If in any constituency no candidate has been nominated in accordance with regulation 9 above and no safety representative holds that position by virtue of regulation 15 below—

- (a) the installation manager shall, until a candidate has been so nominated or a safety representative holds that position under the said regulation 15, keep and update at monthly intervals a list of members for the time being of the constituency and the latest copy of the list shall be posted at suitable places as prescribed in regulation 5(4) above on the installation; and
- (b) the installation manager shall record those facts in the installation logbook, and if an eligible candidate is subsequently nominated in accordance with regulation 9 above the installation manager shall arrange for an election to be held for the constituency, in accordance with the foregoing provisions of these Regulations concerning elections.

Cessation of representation

- 14.** A person shall cease to be a safety representative for the purposes of these Regulations—
- (a) on the election of another representative for his constituency in accordance with regulations 8 to 13 above, or
 - (b) if he resigns, or
 - (c) if his employment is terminated, or
 - (d) if he has been absent from the installation for which he is a safety representative for a continuous period of twelve weeks.

Safety representatives for single employer constituencies

15.—(1) Where a person has not more than two years previously been elected in accordance with the foregoing provisions of these Regulations as a safety representative on an offshore installation for a constituency, the members of which were exclusively the employees of his present employer, he may, subject to paragraphs (2) and (3) below, continue to hold that position without re-election as a safety representative for a constituency, the members of which are exclusively employees of his present employer, on any other offshore installation on which he is subsequently a member of the workforce.

(2) Subject to paragraph (3) below, no person shall hold a position as a safety representative for a constituency under paragraph (1) above if the constituency is already represented by a safety representative.

(3) No person shall hold a position as a safety representative under paragraph (1) above on more than one offshore installation at any time unless the installations are for the time being normally linked by a bridge.

Functions of safety representatives

- 16.** Each safety representative shall have the following functions—
- (a) to investigate potential hazards and dangerous occurrences and to examine the causes of accidents where the interests of the members of his constituency might be involved or those of any other member of the workforce when that person's safety representative is not available or there is no safety representative for that person's constituency;
 - (b) to investigate complaints by any member of his constituency relating to the occupational health and safety of any member of the workforce and to investigate complaints by any other member of the workforce when that person's safety representative is not available or there is no safety representative for that person's constituency;
 - (c) to make representations to the installation manager and, where appropriate, to every employer on matters arising out of paragraph (a) or (b) above;
 - (d) to make representations to the installation manager and, where appropriate, to any employer on general matters affecting the occupational health and safety of members of the workforce;
 - (e) to attend meetings of the safety committee established under regulations 19 and 20 below;
 - (f) to represent his constituency members in consultations on the offshore installation with Inspectors appointed under section 6(4) of 1971 Act; and
 - (g) to consult members of his constituency either individually or, so far as is reasonably practicable, collectively on any matters arising out of the foregoing provisions of this regulation and the provisions set out in regulation 22 below, as appropriate;

but no function conferred on a safety representative by this regulation shall be construed as imposing a duty on him.

Powers of safety representatives

17.—(1) To enable him to fulfil his functions under regulation 16 above, a safety representative may exercise the powers set out in paragraphs (2), (3), (4)(b) and (5) of this regulation and he may seek advice and guidance whether from persons on the offshore installation or elsewhere on any matters arising out of regulation 16 above and regulation 22 below, as appropriate.

(2) A safety representative may inspect any part of the offshore installation or its equipment if—

- (a) he has given the installation manager and, if his employer is not the installation owner, his employer, reasonable notice in writing of his intention to do so, and
- (b) he has not inspected that part of the installation or its equipment in the previous three months;

and he may carry out more frequent inspections by agreement with the installation manager and, if his employer is not the installation owner, his employer.

(3) If—

- (a) there has been a notifiable incident, and
- (b) it is safe for an inspection to be carried out, and
- (c) the interests of the members of his constituency might be involved,

a safety representative may inspect the part of the installation or the equipment concerned and, so far as is necessary for the purpose of determining the cause, he may inspect any other part of the installation or its equipment; provided that the safety representative shall first notify of his intention to carry out the inspection—

(i) the installation manager; and

(ii) where his employer is not the installation owner and it is reasonably practicable to notify him, his employer.

(4) Where two or more safety representatives consider there is an imminent risk of serious personal injury arising from an activity carried out on the installation—

- (a) they shall make representations to the installation manager who shall prepare and send a report in writing on the matter to an inspector appointed under section 6(4) of the 1971 Act as soon as is reasonably practicable; and
- (b) a safety representative may make a report in writing by the fastest practicable means to an inspector appointed under section 6(4) of the 1971 Act.

(5) A safety representative may receive information given under section 28(8) of the 1974 Act by an inspector appointed under section 19 of that Act.

(6) In this regulation, “notifiable incident” means any casualty, accident, injury or disease which is required to be notified by the installation owner or the installation manager under regulation 9 or 12 of the Offshore Installations (Inspectors and Casualties) Regulations 1973(1).

Documents

18. A safety representative shall be entitled to see and be supplied, by or on behalf of the installation manager, with copies of any document relating to the occupational health and safety at work of the workforce which is required by any statutory provision to be kept on the offshore

(1) S.I.1973/1842.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

installation, except a document consisting of or relating to any health record of an identifiable individual.