



11th November 2015

An Open Letter to Council, University of Liverpool from the Joint Trade Unions, UCU, UNITE, UNISON

Dear Council Members,

Safety Committee imposed changes

UCU and the other recognised unions, UNISON and UNITE wish to take the unusual step of writing to you in an open letter. This decision reflects our deep concerns surrounding the manner in which the Chair of the Safety Committee is seeking to dissolve the current Safety Committee and impose a new Safety Committee structure that will devalue and remove the role of the trade unions in safety management discussions. Please note that we are in agreement with the employer on the proposed introduction of sub committees and working groups. The disputed area is in relation to the status of the 'Governance Safety Committee' and the 'Joint Consultative Safety Committee'. We feel the Governance Safety Committee should be set up under the *Safety Representatives and Safety Committee Regulations (SRSC) 1977 as amended* to ensure that the trade unions are equal partners in the co-ordination of the management of safety across the organisation.

We understand that the Council's remit is to help the University of Liverpool become a leading light on safety management within the university sector as a whole and the Russell Group in particular. We would always seek to support this position and any other that had the aim of improving safety management. The current management proposal to Council does not assist this aim as it requires the University to breach its statutory obligations towards the joint trade unions instead of building better working relationships with us as equal partners.

The new proposals will create a duplication of process and will be a barrier to better safety management. The University as an employer is required to meet its statutory duties to the trade unions under the *SRSC Regs 1977, as amended*.

Progress on the Strategic Plan

The suggestion that the trade unions are prohibiting management's implementation of a new Safety Strategy is seriously misleading and highly surprising. The Chair of the Safety Committee only announced his concerns in this regard on 14th October. It's simply not true that we are seeking to block progress on the Strategy itself as the management side representing the employer only issued their proposals to the joint unions on their newly proposed safety structure in the last few months. It is highly disingenuous in the circumstances to claim that we are responsible for the delayed final draft of the Strategy being available for consideration or implementation.

Consultations on the Strategy itself have not yet concluded as the management side have taken a lengthy period of time and failed to draft a competent initial Strategy. This has led to their own side, making numerous corrections and new drafts have regularly been issued to the joint trade unions, sometimes on a monthly basis. The initial drafts disclosed to the trade unions showed a confusing merger of the Strategy and Safety Policy, ignored key implementation structures, and lacked clarity on responsible and competent persons. The drafts also lacked details of relevant local arrangements and structures such as Faculty Safety Forums which were to take on the more operational aspects of health and safety and allow the current Safety Committee to be more strategic in its approach. While we were in support of these original governance proposals which would strengthen the current Safety Committee, we found these confused drafts of the Strategy undermined the employer's ability to manage safety and would not enable this University to meet its aim of becoming a leading light in safety management across this sector.

Sham consultation process

The management side first introduced their latest proposal to vary the current safety committee structure in July of this year. This proposal was new and had not originated from any of the numerous working groups set up to input into the new Safety Strategy.

The management sought to consult with us over three meetings between the period of July and September. Unfortunately at each meeting the management side confirmed their commitment to their new governance proposal from July and only sought variation in our position. The third consultation meeting on the 28 September confirmed the final position of management and their intention to enact their proposal through Council having failed to gain our agreement.

The trade unions thereafter proceeded to take the issue to the next Safety Committee meeting on 13th October in an attempt to resolve matters. Unfortunately, the Chair prohibited the allocation of any meaningful time to the issue as he reiterated management's position that their July proposal was their final position. You will no doubt be aware that the management side invited us to consider their unaltered proposals again on 3rd November, which we did but yet again management have maintained their position. The current consultation process with the trade unions has not been genuine or meaningful and cannot offer you any comfort in believing that the University have acted fairly in this regard.

Breaching the Safety Representatives Safety Committee Regulations 1977 (as amended)

The management's claim that they are not breaching their statutory duties under the *SRSC Regs* is false and completely nonsensical for the following reasons:

1. The University is only seeking to impose their new position as they are unable to gain our agreement to vary the terms of reference of the current Safety Committee. Any changes to the current terms of reference of the committee that are made without joint union approval would be an imposition and thus a breach of the Regulations. The regulations explain that the arrangements for the setting up of the Safety Committee are to 'evolve from discussion and negotiation' between the employer and the recognised trade unions, *Safety Representative Safety Committee Regulation 9.70*.
2. The proposed new 'Joint Consultative Committee on Safety' cannot be classified as a Safety Committee under the *SRSC Regs* as it is assigned terms of reference that do not meet the statutory objectives required of it under the Regulations themselves.
 - i) The *SRSC Regs* specify that the objectives and functions (terms of reference) of any committee assigned the Safety Representative Safety Committee status, is to co-

ordinate safety management. The *SRSC Regs* specify that the committee's functions should include the study of accidents and sickness absence statistics; the examination of management safety reports and proposals; consideration of HSE and Safety Representative reports; the development of safe systems of work; monitoring the effectiveness of employee training and safety communication. *Safety Representative Safety Committee Regulation 9, (a) – (i)*.

Significantly, in the management proposal from July which has now been put to Council, the joint unions have pointed out that the terms of reference normally afforded to a Safety Committee under the Regulations have instead been assigned to the 'Governance Safety Committee'. Management have so far refused to ensure that the 'Governance Safety Committee' be set up under the *SRSC Regs* as recommended by the joint unions as a way to resolve this breach.

- ii) Under the Management proposals, the assigned terms of reference for the 'Joint Consultative Committee', are nonsensical.

The terms outlined in the proposal are a list of *individual* consultative rights legally assigned to all Trade Union Safety Representatives, irrespective of the existence of a Safety Committee (*Safety Representatives Safety Committee Regulations, Regulation 4 A*). It's certainly worrying to see the management side confuse their statutory duties to individual Safety Representatives with their statutory duties to the recognised trade unions as a collective. These terms of reference will merely serve to remove this committee and the trade unions by extension, from having any effective role within strategic management and planning in the future. The terms of reference for this committee therefore are not in line with the role of a Safety Committee under the *SRSC regs*.

- 3. The proposed new 'Joint Consultative Committee on Safety' does not meet the employer's statutory obligations in relation to the membership of the committee.

- i) The *SRSC Regs* specify that the management representatives should aim to ensure they hold adequate authority to give proper consideration to the decision making process (*Safety Representatives Safety Committee Regulations, Regulation 9, 85*). It is contradictory to see the management representatives at the Joint Consultative Committee only holding the position of Faculty Heads. It would be impractical indeed, if the Directors' who sit on the 'Governance Committee' allowed their subordinate Faculty Heads to make decisions that would override their own decision making process.
- ii) The *SRSC Regs* specify that the management representatives of the Safety Committee should aim to ensure they hold the necessary knowledge and expertise (*Safety Representatives Safety Committee Regulations, Regulation 9, 85*). We are concerned to see that the 'Joint Consultative Committee' which is tasked to ensure implementation of the *SRSC Regs* is to be chaired by a post holder who during the recent consultation meetings frequently showed his lack of understanding or knowledge of the content of the *SRSC Regs*. We can also note that the Chair is not considered as being of high enough value to be a participant on the Governance Safety Committee. It is somewhat difficult to believe he will be able to effectively represent his committee's views as required of him in this role. To emphasise the low value placed on this 'Joint Consultative Committee', we can also see that the University Senior Safety Advisor is to be excluded from this committee and that his participation and expertise is only reserved for the 'Governance Safety Committee'.

In conclusion the university should be aware that it is not within their power to determine the role of the trade unions under the *Safety Representatives and Safety Committee Regulations*. The *SRSC Regs* specifically require our role in assisting safety management to be purposeful and agreed. If the Council seek to impose the new safety governance structure and terms of reference then the University will be in breach of its statutory obligations. The remedy here is not operationally difficult or more costly to the University; it merely requires Council to identify the Governance Safety Committee as the one that holds the *Safety Representatives and Safety Committee Regulations*, regulation status. We therefore ask you to reject the proposal.

We look forward to hearing from you in due course.

Yours faithfully,



Jo McNeill
UCU President



Kay Lancaster
UNITE Branch Secretary



Karl Huxham
UNISON Branch Secretary