

Civil Service Conciliation and Arbitration Scheme

General Council Report 1252

(Meeting/s of 27 January 1993, 31 March 1993, 2 June 1993)

Claim that the issue of indemnification for Safety Representatives in relation the Health, Safety and Welfare at Work Act, be clarified.

Indemnification of Safety Representatives

1. The claim was that the issue of indemnification for safety representatives in relation to the Safety, Health and Welfare at Work Act, 1989 be clarified.
2. The Staff Side said that questions had arisen in relation to the legal position of safety representatives in certain circumstances, for example where it was alleged that they had made incorrect safety reports or failed to identify potential hazards in the workplace. In such circumstances, an injured employee might decide to claim against a safety representative or to join a safety representative in a claim against the employer.
3. The Official Side said that they had consulted the Health and Safety Authority on the matter. While section 13 of the 1989 Act conferred certain rights on safety representatives, it did not impose legal duties on them, apart from those applicable to employees in general under the Act. Safety representatives had been given various functions in order to ensure that employee interests could be effectively and quickly made known to employers and, where appropriate, to the Authority. However, the primary responsibility for safety was a matter for the employer under section 6 of the Act and this could not be transferred in part or in whole to the safety representatives.
4. It was agreed that a report recording discussions on the claim be prepared.
5. This report was adopted on 21 October 1993

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