

## Health and Safety Executive communication - Application of SI971 during the COVID-19 pandemic - 24/04/2020

The following is a communication from the Health and Safety Executive (HSE) and will be published on the HSE website in the near future

### APPLICATION OF THE OFFSHORE INSTALLATIONS (SAFETY REPRESENTATIVES AND SAFETY COMMITTEES) REGULATIONS 1989 (SI 971) DURING THE COVID 19 PANDEMIC

#### The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 (SI 971)

Despite the COVID 19 pandemic and the difficulties that presents to the offshore industry, HSE would like to remind duty holders that The Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 (SI 971) regulations still apply. At present, the need for effective workforce engagement and dialogue is more important than ever and SI 971 still provides an effective way of achieving this.

However, HSE acknowledges that at this time certain aspects may be difficult to comply with. For example, where a Safety Representative ceases to be a Safety Representative when they are away from their constituency for more than 90 days.

In this case, providing it can be shown that the absence was due to the COVID 19 pandemic and that the Safety Representative can maintain communications with members of their constituency (including being available for consultation and to participate in the Safety Committee through other means, e.g. email, Skype, phone etc.), HSE will take a pragmatic approach and consider if duty holders have done all that is practicable to comply with this aspect of the regulations.

However, any changes during this time to constituencies necessitated by COVID 19 should still follow the process as laid out in SI 971.

Should a concern be raised with HSE regarding the application of the SI 971 then it will be investigated as normal.

Points to note:

1. The duty holder should be able to demonstrate that the absence of the Safety Representative is directly attributable to the COVID 19 pandemic; and the Safety Representative's ability to deliver their functions is not significantly compromised by them not being on their installation.
2. Duty holders should endeavour to ensure that there are always at least two Safety Representatives on board over a rotation so that, if there is an imminent danger in the opinion of the two Safety Representatives, they can approach the OIM who must inform HSE at the earliest opportunity under Regulation 17(4) of SI 971.
3. Duty holders should have arrangements in place to regularise their compliance with SI 971 as soon as it is reasonably practicable to do so in the context of Government Advice from National and Devolved Administrations.