



Isle of Man

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V04

**SAFETY REPRESENTATIVES AND SAFETY
COMMITTEES REGULATIONS 2025**



SAFETY REPRESENTATIVES AND SAFETY COMMITTEES REGULATIONS 2025

Index

Regulation	Page
1 Title	5
2 Commencement	5
3 Interpretation.....	5
4 Appointment of safety representatives	6
5 Functions of safety representatives	7
6 Employer's duty to consult and provide facilities and assistance	8
7 Inspections of the workplace.....	8
8 Inspections following notifiable accidents, occurrences and diseases	9
9 Inspection of documents and provision of information.....	10
10 Cases where safety representatives need not be employees	11
11 Safety committees	11
12 Power of Department to grant exemptions.....	11
13 Provisions as to Employment and Equality Tribunal.....	12
SCHEDULE	13
PAY FOR TIME OFF ALLOWED TO SAFETY REPRESENTATIVES	13

Statutory Document No. 20XX/XXXX

*Health and Safety at Work etc. Act 1974*

SAFETY REPRESENTATIVES AND SAFETY COMMITTEES REGULATIONS 2025

*Approved by Tynwald:**Coming into operation in accordance with regulation 2*

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the regulations¹, under sections 2(4) and (7), 15(1), (3)(b) and (5)(b), 80(1) and (4) and 82(3)(a) of the Health and Safety at Work etc. Act 1974² (an Act of Parliament), as it has effect in the Island³.

1 Title

These Regulations are the Safety Representatives and Safety Committees Regulations 2025.

2 Commencement

If approved by Tynwald⁴, these Regulations come into operation TBC.

3 Interpretation

SI1977/500, reg 2

(1) In these Regulations, unless the context otherwise requires —

“**the 1974 Act**” means the Health and Safety at Work etc. Act 1974 (of Parliament) as it applies to the Island;

“**employee**” has the meaning assigned by section 53(1) of the 1974 Act, and “**employer**” is to be construed accordingly;

“**recognised trade union**” means a trade union within the meaning of the Trade Unions Act 1991 which —

(a) is registered under that Act; and

¹ As required by section 82(4) of the 1974 Act.

² 1974 c.37.

³ SD 2024/0073 applies the 1974 Act to the Island with modifications.

⁴ Tynwald approval is required under section 82(5) of the 1974 Act.

- (b) is recognised by the employer concerned for the purposes of negotiations relating to or connected with one or more of the matters specified in section 24(1) of that Act;

“safety representative” means a person appointed under regulation 4(1) of these Regulations to be a safety representative;

“welfare at work” means those aspects of welfare at work which are the subject of health and safety regulations or of any of the existing statutory provisions;

“workplace” in relation to a safety representative means any place or places where the group or groups of employees whom he or she is appointed to represent are likely to work or which they are likely to frequent in the course of their employment or incidentally to it.

- (2) These Regulations are not to be construed as giving any person a right to inspect any place, article, substance or document which is the subject of restrictions on the grounds of national security unless the person seeking to exercise that right satisfies any test or requirement imposed on those grounds by or on behalf of the Crown.

4 Appointment of safety representatives

SI1977/500, reg 3 and drafting

- (1) For the purposes of section 2(4) of the 1974 Act, a recognised trade union may appoint safety representatives from amongst the employees in all cases where one or more employees are employed by an employer by whom it is recognised.
- (2) Where the employer has been notified in writing by or on behalf of a trade union of the names of the persons appointed as safety representatives under this regulation and the group or groups of employees they represent, each such safety representative has the functions set out in regulation 5.
- (3) A person (“P”) ceases to be a safety representative for the purposes of these Regulations when —
 - (a) the trade union which appointed P notifies the employer in writing that P’s appointment has been terminated; or
 - (b) P ceases to be employed at the workplace but if P was appointed to represent employees at more than one workplace P does not cease by virtue of this sub-paragraph to be a safety representative so long as P continues to be employed at any one of them; or
 - (c) P resigns.
- (4) A person appointed under paragraph (1) as a safety representative must so far as is reasonably practicable either have been employed by his or her employer throughout the preceding 2 years or have had at least 2 years’ experience in similar employment.

5 Functions of safety representatives

SI1977/500, reg 4 and drafting

- (1) In addition to his or her function under section 2(4) of the 1974 Act to represent the employees in consultations with the employer under section 2(6) of the 1974 Act (which requires every employer to consult safety representatives with a view to the making and maintenance of arrangements which will enable the employer and the employer's employees to cooperate effectively in promoting and developing measures to ensure the health and safety at work of the employees and in checking the effectiveness of such measures), each safety representative has the following functions —
- (a) to investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to the representative's attention by the employees whom he or she represents) and to examine the causes of accidents at the workplace;
 - (b) to investigate complaints by any employee whom he or she represents relating to that employee's health, safety or welfare at work;
 - (c) to make representations to the employer on matters arising out of sub-paragraphs (a) and (b);
 - (d) to make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
 - (e) to carry out inspections in accordance with regulations 7, 8 and 9;
 - (f) to represent the employees whom he or she was appointed to represent in consultations with inspectors;
 - (g) to receive information from inspectors in accordance with section 28(8) of the 1974 Act;
 - (h) to attend meetings of safety committees where he or she attends in his or her capacity as a safety representative in connection with any of the functions listed above,
- but, without prejudice to sections 7 and 8 of the 1974 Act, no function given to a safety representative by this paragraph is to be construed as imposing any duty on him or her.
- (2) An employer must permit a safety representative to take such time off with pay during the employee's working hours as is for the purposes of —
- (a) performing functions under section 2(4) of the 1974 Act and paragraph (1)(a) to (h);
 - (b) undergoing such training in aspects of those functions as may be reasonable in all the circumstances having regard to any relevant provisions of a code of practice relating to time off for training

approved for the time being by the Department under section 16 of the 1974 Act.

In this paragraph “with pay” means with pay in accordance with the Schedule to these Regulations.

6 Employer's duty to consult and provide facilities and assistance

SI 1977/500, reg 4A

- (1) Without prejudice to the generality of section 2(6) of the 1974 Act, every employer must consult safety representatives in good time with regard to —
 - (a) the introduction of any measure at the workplace which may substantially affect the health and safety of the employees whom the safety representatives concerned represent;
 - (b) the employer's arrangements for appointing or, as the case may be, nominating persons in accordance with regulations 6(1) and 7(1)(b) of, or paragraph 2(b) of Schedule 1 to, the Management of Health and Safety at Work Regulations 2003⁵;
 - (c) any health and safety information the employer is required to provide to the employees the safety representatives concerned represent by or under the relevant statutory provisions;
 - (d) the planning and organisation of any health and safety training the employer is required to provide to the employees the safety representatives concerned represent by or under the relevant statutory provisions; and
 - (e) the health and safety consequences for the employees the safety representatives concerned represent of the introduction (including the planning of the introduction) of new technologies into the workplace.
- (2) Without prejudice to regulations 6 and 7 of these Regulations, every employer must provide such facilities and assistance as safety representatives may reasonably require for the purpose of carrying out their functions under section 2(4) of the 1974 Act and under these Regulations.

7 Inspections of the workplace

SI 1977/500, reg. 5

- (1) Safety representatives are entitled to inspect the workplace or a part of it if they have given the employer or the employer's representative reasonable notice in writing of their intention to do so and have not inspected it, or that part of it, as the case may be, in the previous 3

⁵ SD 2003/877. The original Schedule to this instrument was consequentially renumbered as Schedule 1 on the insertion of Schedule 2 by SD 2025/0091.

months; and may carry out more frequent inspections by agreement with the employer.

- (2) Where there has been a substantial change in the conditions of work (whether because of the introduction of new machinery or otherwise) or new information has been published by the Department in the Island, or the Health and Safety Executive in Great Britain relevant to the hazards of the workplace since the last inspection under this regulation, the safety representatives after consultation with the employer are entitled to carry out a further inspection of the part of the workplace concerned despite the fact that 3 months have not elapsed since the last inspection.
- (3) The employer must provide such facilities and assistance as the safety representatives may reasonably require (including facilities for independent investigation by them and private discussion with the employees) for the purpose of carrying out an inspection under this regulation, but nothing in this paragraph precludes the employer or the employer's representative from being present in the workplace during the inspection.
- (4) An inspection carried out under regulation 40 of the Quarry (Health and Safety) Regulations 2025⁶ counts as an inspection under this regulation.

8 Inspections following notifiable accidents, occurrences and diseases

SI 1977/500, reg. 6

- (1) Where there has been an over three day injury, notifiable accident or dangerous occurrence in a workplace or a notifiable disease has been contracted there and —
 - (a) it is safe for an inspection to be carried out; and
 - (b) the interests of employees in the group or groups which safety representatives are appointed to represent might be involved,those safety representatives may carry out an inspection of the part of the workplace concerned and so far as is necessary for the purpose of determining the cause they may inspect any other part of the workplace; where it is reasonably practicable to do so they must notify the employer or the employer's representative of their intention to carry out the inspection.
- (2) The employer must provide such facilities and assistance as the safety representatives may reasonably require (including facilities for independent investigation by them and private discussion with the employees) for the purpose of carrying out an inspection under this regulation; but nothing in this paragraph precludes the employer or the employer's representative from being present in the workplace during the inspection.

⁶ SD 2025/0132.

- (3) In this regulation —
- “notifiable accident or dangerous occurrence” and “notifiable disease” mean any accident, dangerous occurrence or disease, as the case may be, notice of which is required to be given by virtue of any of the relevant statutory provisions within the meaning of section 53(1) of the 1974 Act; and
- “over three day injury” means an injury required to be recorded in accordance with regulation 13(1)(c) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2025⁷.

9 Inspection of documents and provision of information

SI 1977/500, reg 7 and drafting

- (1) For the performance of their functions under section 2(4) of the 1974 Act and under these Regulations, if they have given reasonable notice to their employer, safety representatives are entitled to inspect and take copies of any document relevant to the workplace or to the employees whom the safety representatives represent and which the employer is required to keep by virtue of any relevant statutory provision within the meaning of section 53(1) of the 1974 Act except a document consisting of or relating to any health record of an identifiable individual.
- (2) An employer must make available to safety representatives the information, within the employer’s knowledge, necessary to enable them to fulfil their functions except —
- (a) any information the disclosure of which would be against the interests of national security (whether of the Island or the United Kingdom);
 - (b) any information which the employer could not disclose without contravening a prohibition imposed by or under an enactment;
 - (c) any information relating specifically to an individual, unless he or she has consented to its being disclosed;
 - (d) any information the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to the employer's undertaking or, where the information was supplied to the employer by some other person, to the undertaking of that other person; or
 - (e) any information obtained by the employer for the purpose of bringing, prosecuting or defending any legal proceedings.
- (3) Paragraph (2) does not require an employer to produce or allow inspection of any document or part of a document which is not related to health, safety or welfare.

⁷ SD 2025/xxxx.

10 Cases where safety representatives need not be employees

SI 1977/500, reg. 8

- (1) In the cases mentioned in paragraph (2), safety representatives appointed under regulation 4(1) need not be employees of the employer concerned; and section 2(4) of the 1974 Act is modified accordingly.
- (2) The cases referred to in paragraph (1) are those in which the employees in the group or groups the safety representatives are appointed to represent are members of the British Actors' Equity Association or of the Musicians' Union.
- (3) Regulations 4(3)(b) and (4) and 5(2) do not apply to safety representatives appointed by virtue of this regulation and in the case of safety representatives to be so appointed regulation 4(1) has effect as if the words "from amongst the employees" were omitted.

11 Safety committees

SI 1977/500, reg. 9

- (1) For the purposes of section 2(7) of the 1974 Act (which requires an employer in prescribed cases to establish a safety committee if requested to do so by safety representatives) the prescribed cases are those in which at least 2 safety representatives request the employer in writing to establish a safety committee.
- (2) If an employer is requested to establish a safety committee under paragraph (1), the employer must establish it in accordance with the following provisions —
 - (a) the employer must consult the safety representatives who made the request and with the representatives of recognised trade unions whose members work in any workplace in respect of which the employer proposes that the committee should function;
 - (b) the employer must display a notice stating the composition of the committee and the workplace or workplaces to be covered by it where it may be easily read by the employees;
 - (c) the committee must be established not later than 3 months after the request for it.

12 Power of Department to grant exemptions

SI 1977/500, reg. 10

The Department may grant exemptions from any requirement imposed by these Regulations and any such exemption may be unconditional or subject to such conditions as the Department may impose and may be with or without a limit of time.

13 Provisions as to Employment and Equality Tribunal

SI 1977/500, reg. 11 and drafting

- (1) A safety representative may, in accordance with the jurisdiction conferred on the Employment and Equality Tribunal (“the Tribunal”) by tribunal rules, present a complaint to that Tribunal that —
 - (a) the employer has failed to permit him or her to take time off in accordance with regulation 5(2); or
 - (b) the employer has failed to pay him or her in accordance with regulation 5(2) of, and the Schedule to, these Regulations.
- (2) The Tribunal may not consider a complaint under paragraph (1) unless it is presented within 3 months of the date when the failure occurred or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within the period of 3 months.
- (3) If the Tribunal finds a complaint under paragraph (1)(a) well-founded, then it must make a declaration to that effect, and may make an award of compensation to be paid by the employer to the employee of such amount as the Tribunal considers just and equitable in all the circumstances having regard to the employer’s default in failing to permit time off to be taken by the employee and to any loss sustained by the employee which is attributable to the matters complained of.
- (4) If on a complaint under paragraph (1)(b) the Tribunal finds that the employer has failed to pay the employee the whole or part of the amount required to be paid under paragraph (1)(b), it must order the employer to pay the employee the amount which it finds due to the employee.
- (5) In Schedule 1 to the Employment Act 2006 (jurisdiction of the Tribunal) at the appropriate points in the list of provisions of that Act there are inserted —

☞ Section 61 of this Act (health and safety cases) ☞;

☞ Section 115 of this Act (health and safety cases) ☞.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

SCHEDULE**PAY FOR TIME OFF ALLOWED TO SAFETY REPRESENTATIVES**

[Regulation 5(2)]

SI 1977/500, Schedule 2

1. Subject to paragraph 3, where a safety representative is permitted to take time off in accordance with regulation 5(2), his or her employer must pay him or her —
 - (a) where the safety representative's remuneration for the work he or she would ordinarily have been doing during that time does not vary with the amount of work done, as if he or she had worked at that work for the whole of that time;
 - (b) where the safety representative's remuneration for that work varies with the amount of work done, an amount calculated by reference to the average hourly earnings for that work (ascertained in accordance with paragraph 2).
2. The average hourly earnings referred to in paragraph 1(b) above are the average hourly earnings of the safety representative concerned or, if no fair estimate can be made of those earnings, the average hourly earnings for work of that description of persons in comparable employment with the same employer or, if there are no such persons, a figure of average hourly earnings which is reasonable in the circumstances.
3. Any payment to a safety representative by an employer in respect of a period of time off —
 - (a) if it is a payment which discharges any liability which the employer may have under section 35 of the Employment Act 2006 in respect of that period, also discharges the employer's liability in respect of the same period under regulation 5(2);
 - (b) if it is a payment under any contractual obligation, goes towards discharging the employer's liability in respect of the same period under regulation 5(2);
 - (c) if it is a payment under regulation 5(2), goes towards discharging any liability of the employer to pay contractual remuneration in respect of the same period.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations —

- (a) provide for the appointment of safety representatives and prescribing their functions in relation to the employees they represent and their workplaces;
- (b) provide for time off with pay for safety representatives in order that they may perform their functions and undergo training in aspects of those functions; and
- (c) specify the cases in which employers must establish safety committees in accordance with the Regulations.

The Regulations also modify Schedule 1 to the Employment Act 2006 so as to extend the jurisdiction of the Employment and Equality Tribunal to enable it to deal with complaints by safety representatives relating to time off with pay.