

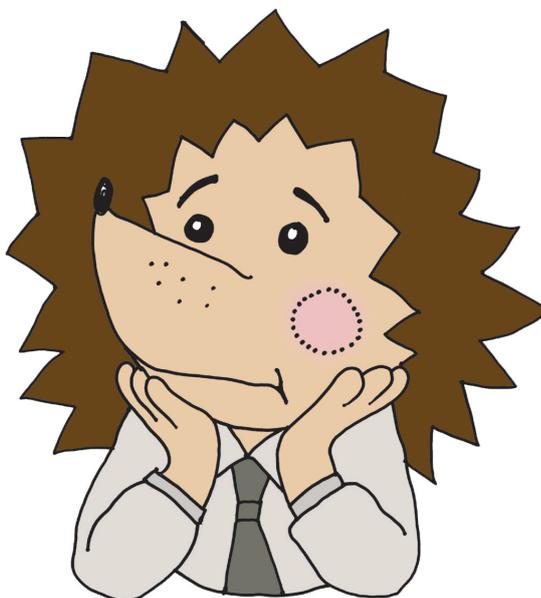


Education and Culture

Leonardo da Vinci



# THE PRIMER OF EMPLOYEE'S REPRESENTATIVE



## THE PRIMER OF EMPLOYEE'S REPRESENTATIVE

Ivan Majer and collective

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This guide is intended to help employees' representatives at work, to improve safety and health protection at work, to improve working conditions in organizations, to raise working culture, and working relationships. The aim is to involve employees in the solving of these questions together with their employer.

This guide was created as a result of the two years-long experiences in training of trainers of employees' representatives for SHPW (Safety and Health Protection at Work) in terms of the project WISH of the program Leonardo da Vinci.

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**Chemko š.p. Strážske**  
**U. S. Steel s.r.o. Košice**



## *Dedication:*

*The authors dedicate this work to help of*

*Mr. Courage  
Mr. Active  
Mr. Dedicated  
Mr. Self-confident  
Mrs. Disciplined  
Mrs. Upright  
Mr. Kindness*

*who almost disappeared from our workplaces –*

*- and all, who want to move things ahead*



# What is the project WISH?

The name of the project – **Workers Involvement to Safety and Health (WISH)** may freely be translated as “Involvement of employees into safety and health protection at work”. The word WISH also means “hope or desire”. The project was realized by the program Leonardo da Vinci of the European Union, so it received an English name.

An active involvement of employees into the solving of the problems of safety and health protection is one of the basic principles of the **new approach**, which is legally enshrined in the Act no. 330/1996 Coll. on safety and health protection at work.

The employees were granted a **right to express their opinions** about selection of working facilities, technologies, organization of work, and protection of working environment and working place; to discuss with their employer questions of safety and health protection at work connected with their work, and to participate in their working out. Experiences show that although an employer is responsible for safety at work, it is difficult to achieve required progress without an **active participation of employees**. Safe work, favorable working conditions, and employees’ satisfaction go hand in hand with a higher productivity and quality of work, improvement of work morale, and with an increase of employees’ creativity, which are the basis of the **company’s prosperity**.

To guarantee effective co-operation the law established an institute of **employees’ representatives**. Their duty is to carry interests of their colleagues, who they represent, to ensure communication with an employer, and an involvement of employees into questions connected with their protection at work.

The employees’ representatives **must be**, in accordance with the law, **trained** for this function. Until now, employers trained employees’ representatives mainly in safety regulations – they wanted them to become little safety technicians. However, this approach is not in accordance with the mission of employees’ representatives. It seems that employers do not have an interest in training their employees in how they should carry their requirements and an improvement of their working conditions. Therefore, the representatives of employees should be trained by **independent trainers**, who should teach them preferentially the principles of collective rights, collective bargaining, assertiveness, rhetoric, legal consciousness, social dexterity, as well as the SHPW regulations. Because an employees’ representative must firstly be a parliamentarian and negotiator. It is important to provide them with instructions for **effective and efficient co-operation** with their employers and for carrying of legal rights of employees, to lead **them to their full knowledge** of questions of safety at work and **responsibility** for their own health.

On the occasion of the project, experts from the project’s partner organizations trained 11 leading trainers partly in English language from October 1999 until May 2000. The content of the preparation focused on training developing especially social and negotiation **skills, the new approach** to the working out of safety and health protection, and trainer skills. The project transfers a number of experiences from the EU countries, where the institute of employees’ representatives has a longer tradition. From September 2000 until January 2001, the leading trainers trained another 50 trainers for employees’ representatives.

An important part of the project WISH is also an elaboration of this guide for employees’ representatives.



*In a famous Slovak fairy-tale an insolent goat crawled into a fox den. A fox could not handle the goat, neither a wolf, nor a bear. Finally, a small hedgehog came and set its face against fox:*

*“...I am a hedgehog small and I’ll spike you whole!”*



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# Dear employees' representative,



congratulations to your decision to become a mediator and initiator of new ideas in your organization. It is difficult to create roads and to bridge a precipice of misunderstanding; however good atmosphere at work is definitely worth it.

We are glad that courage has not disappeared from our life and we will try to help you by means of our guide.

**Do you know how to go ahead?**

**Can you make your way in life?**

**Do you know what you need to know?**

Do you have your own idea of what you want to achieve? Try to write it down:

My major goal is: .....

.....

.....

.....

.....

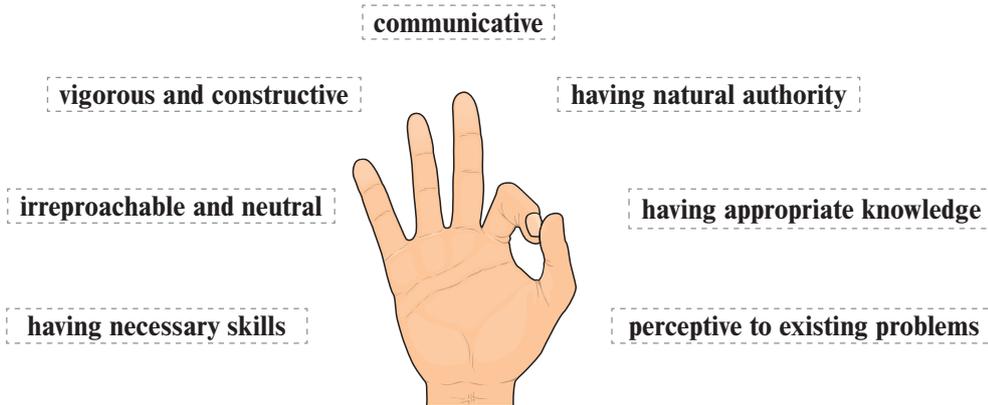
For your work you will need besides courage also various **information, knowledge, skills, support** of colleagues, and **understanding** of your boss. It is necessary to build up these relationships systematically. This guide tells you how you can do it.

## What lies before you? What are you expected to do?



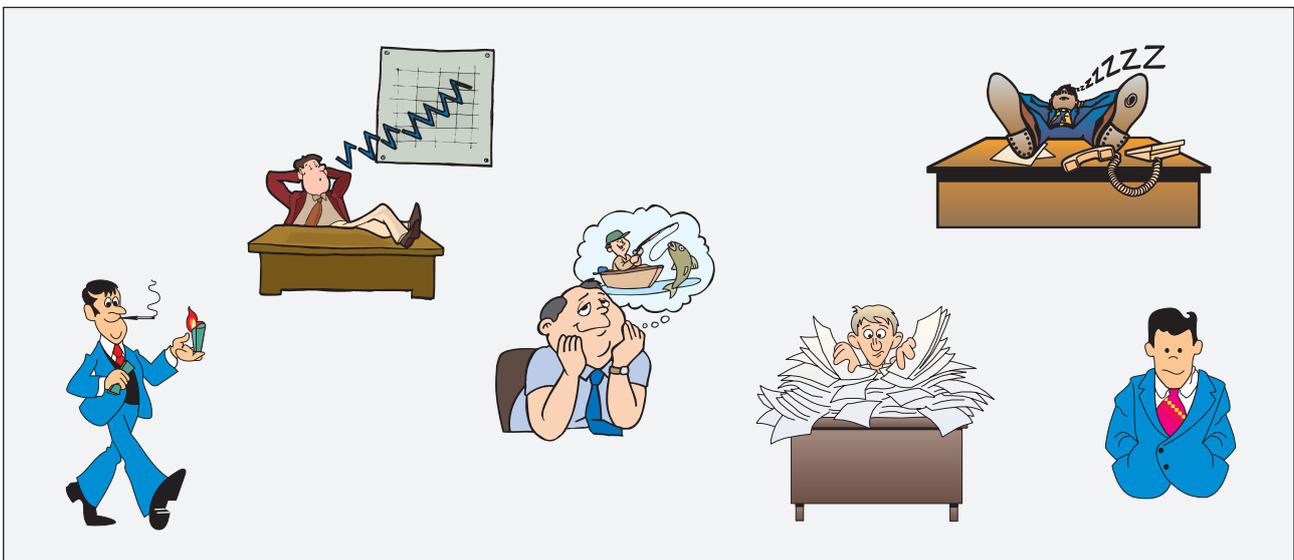
- ✓ to take notice of imperfections at working place
- ✓ to propose improvement of conditions
- ✓ to carry rights of employees
- ✓ to be a mediator between management and colleagues
- ✓ to build up trust and not to abuse it
- ✓ to be perceptive to the needs of colleagues
- ✓ to communicate with people
- ✓ to work out conflicts
- ✓ to bring the working out of things to its end
- ✓ to try to find a way also to leading workers
- ✓ to try to get along well with people
- ✓ to develop good relationships at working place
- ✓ to co-operate with unionists, labour inspectors
- ✓ to learn and continuously work up yourself

# Who is an ideal employees' representative?



After having a look at these requirements you may say – this kind of person does not exist! Obviously, an employees' representative does not have to have all the above-mentioned qualities. However, the more the better; his/her duty is easier and a chance to achieve a goal is much bigger. These abilities can be achieved – by aiming **training**.

However, the following pictures show how an employees' representative should definitely not look like:



A function of employees' representative gives you **a chance to participate** in a creation of better working conditions, in an improvement of safety and health protection at your workplace. Do not forget to **listen to** your colleagues **patiently**, to be able to recognize problems, which bother them.

Try to understand also **the intentions of management** of your company and the motives of their standpoints.



# Where can you look for support?

## The law is on your side!



It guarantees the following rights to an employees' representative:

- ✓ to collect comments of employees to the questions of SHPW, about which he/she informs an employer's representative;
- ✓ to control whether the leading workers create favorable working conditions at work and guarantee safe and to health unobjectionable work;
- ✓ to control fulfillment of regulations for providing of PPWM, detergents and cleaning agents;
- ✓ to participate in an investigation of causes of accidents at work, emergencies, and breakdowns of technical devices;
- ✓ to require information about risks and means of protection against them from the leading staff to guarantee SHPW;
- ✓ to execute supervision of regulations fulfillment to guarantee SHPW, to warn a direct superior worker about imperfections and to require their elimination. To warn an officer of HP for SHPW or directly the board of the HP about any imperfection;
- ✓ to watch a fulfilment of obligations of collective contracts in the area of SHPW;
- ✓ to have enough time for an execution of his/her duty during a working time;
- ✓ to present comments and proposals to the Labour Inspectorate bodies during a work inspection at an employer's;
- ✓ to attend trainings and retrainings of employees' representatives for SHPW.

The following will give you a helping hand for sure:

- trade-union organisation
- staff of the Labour Inspectorate
- commission of SHPW in your company
- management of your company
- WISH project trainers, who prepared this guidebook.



The following may help you, too:

- study of the safety regulations
- to get through the courses of assertiveness, communication, negotiation, social skills, SHPW, and other
- systematic notation of appearing problems and their working out
- guidebooks, leaflets, notebooks published in other companies
- consultations with safety technician and workers of company's health care
- consultations with other employees' representatives (also from other companies)
- reading of popular publications and articles from the fields of SHPW, psychology, psychohygiene, sociology, and other.

## Who is your opponent?

*Incorrect question! Do not try to find an opponent!*

## So who is on the other side then?

*An employer!*



## Who is an employer?

An employer is a company or a person – owner of a company. If an employer is a company, then its statutory body acts in the name of the company. All the leading employees shall fulfil duties and tasks in the area of SHPW in the name of their employer in an extent of their responsibilities. However, this does not affect employer's responsibility.

Therefore, an employer is responsible for safety, health protection, and creation of satisfactory working conditions. However, an employer can not be successful on his **own**, without an active participation of employees. An employees' representative is a **parliamentarian**, who by means of this co-operation helps to build up.

**The same methods**, which result in a creation of conditions for safe, healthy, and satisfactory work, **result also in higher productivity**, effectiveness, quality of work, and prosperity of a company.

Problem of **understanding** among people, optimum communication must be at the foreground of an interest, because employers and their employees have a number of experiences that it is better to get along than to have long-term conflicts.

*However, there is a bridge often missing*



*between both parties.*

## You can help to build it up!

The best way is:

- ➡ a dialogue
- ➡ to see eye to eye with each other
- ➡ mutual understanding



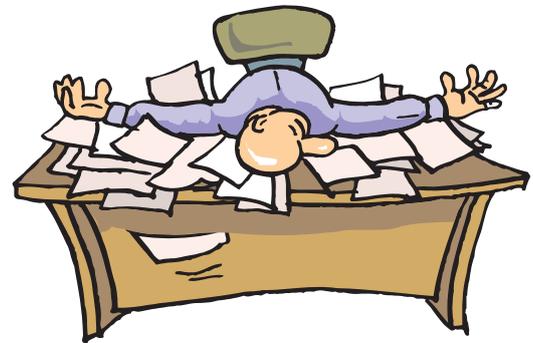
## Why should we build bridges between employees and employer?

*You have a common goal after all – to ensure a long-term **prosperity** of your company!*

## It is difficult also for an employer



- × *Deadlines*
  - × *taxes*
  - × *inflation*
  - × *custom duties*
  - × *consignments*
  - × *controls*
  - × *environment*
  - × *dodgers*
  - × *supplies*
- are falling on him/her.*



### The most important responsibilities of an employer are:

*continuous care about safety and health protection of employees, and creation of favourable working conditions.*



#### Law this way determines:

- ✓ to execute provisions, with regard to **all the circumstances** concerning work and in accordance with legal and other regulations, to ensure safety and health protection at work,
- ✓ **to improve working conditions** and adjust them to employees; respecting at the same time existing and predictable circumstances, and achieved scientific and technical knowledge,
- ✓ to investigate possible dangers, threats, **to evaluate risks**, and to draw up written document on risk evaluation of all employees,
- ✓ to ensure that working places, communications, machines, devices, equipment, tools, materials, working facilities, working methods, organisation of working places, and organisation of work **do not threaten safety** and health of employees; to provide maintenance and services needed,
- ✓ **to eliminate dangers and threats** – and where it is impossible, to draw up written documents about these non-removable dangers and threats, to plan and execute provisions for their elimination or avoidance,
- ✓ **to replace hard** and monotonous works, works in difficult and health threatening, or unhealthy working conditions by appropriate devices, working methods, and improvement of work organisation,
- ✓ to establish **safe working methods**,
- ✓ to set and guarantee **safety provisions**, which must be executed, and if necessary, to set and guarantee preservatives, which must be used.

### Employer is, in terms of safety of employees, obliged:

- ✓ to **issue** safety and health protection at work **rules** and to give instructions for safety and health protection at work guarantee,
- ✓ to allocate employees for work **with regard to their health state**, abilities, and warranty in accordance with special regulations, and not to allow them to perform jobs, which are not in accordance with their health state, abilities, and for which they are not **licensed**,
- ✓ to ensure **evaluation of individual physical abilities** of an employee, when performing manual manipulation with weights,
- ✓ to provide regular **preventive medical examinations** in accordance with an extent of health danger and for selected professions,
- ✓ to pay special attention to employees at **distant working places**, who work there individually, and to separate groups of employees,
- ✓ to provide **breaks in work** to ensure safety,
- ✓ to prepare **a policy of safety and health protection at work** in written, including fundamental aims to achieve safety and health protection at work; and a programme of its realisation, including especially the methods, means, and ways of its accomplishment; to evaluate and, if needed, update it regularly,
- ✓ for work, during which employees are exposed to increased possibility of accident or any other health damage, do not use such **a way of reward**, which, when increasing working capacity, would result in a threat to employees,
- ✓ not to order **overtime work** when working in unhealthy environment.



## DO NOT FORGET!

**Duties of employers are  
at the same time rights of employees!**

### Act no. 330/1996 Coll. determines also other responsibilities to employers:

- ✓ to provide employees, who need life and health protection at their work, with free effective personal safety working equipment and to keep it in usable and functional state, and mind their proper use,
- ✓ to prepare a list of provided personal safety working equipment on the basis of an evaluation of dangers resulting from working process and environment,
- ✓ to provide employees with free working clothes and shoes, if working in an environment in which clothes and shoes are perishable to extreme wear-out and contamination; to provide also washing, and disinfecting agents necessary for physical hygiene,
- ✓ an employer is obliged to pass a smoking restriction at workplaces with employees, which are non-smokers, and to guarantee compliance with the law,
- ✓ the leading employees, at all levels of management and in an extent of the duties deriving from their post, are responsible for fulfilment of duties of an employer in care for safety and health protection at work.





An employer is responsible for all the expenses connected with a care for safety and health protection at work; he/she must not transfer these expenses on an employee.

### **You should be more familiar with the general responsibilities of an employer as stated in Act 330/1996 Coll.**

Some other are as follows:

**An employer is obliged to inform an employee regularly, coherently, and provably, regarding performed works:**

- ✓ with corresponding **the legal regulations** and other regulations to ensure safety and health protection at work, with **the principles of safe work**, principles of health protection at work, principles of safe behaviour at a working place, and with **safe working methods** and to examine their knowledge,
- ✓ with existing dangers, with their effects on health, and protection against them,
- ✓ to acknowledge an employee at his/her acceptance to an employment, when being transferred into another working place, when being converted for a different work; or at an implementation of a new technology, new working methods, machines, or devices; in intervals at least once in two years. Acknowledgement must adjust to new or changed dangers or threats,
- ✓ to provide employees, a corresponding trade-union body, employees' representative, and a specialised employee, who are responsible for duties performed to ensure safety and health protection at work, with necessary information,
- ✓ acknowledgement, training, and practice of employees in an interest to ensure safety and health protection at work must be done during a working time.



**In case of direct and serious threat to life or health an employer is obliged especially:**

- ✓ **to undertake measures in advance** and to provide means necessary for health and life protection in case of emergency, including fire, and to give first aid,
- ✓ **to early inform** all the employees, who are or may be exposed to danger, about this danger and safety measures,
- ✓ not to require employees to work or **to stay at a working place, where there exists such a danger**, besides reasonable and special cases,
- ✓ to determine an action for a case of **relief works**, evacuation, and health damage, including **first aid**.

An employer is obliged to continuously **control and require** compliance with corresponding legal regulations.

An employer is obliged, on behalf of disease prevention originating at work; to provide **recondition stays** to selected groups of employees.



# Co-operation of employer and employees

Law requires that an employer **enables employees**, a corresponding trade-union body, and an employees' representative to participate in working out of issues of safety and health protection at work and to **discuss in advance** the questions concerning safety and health protection at work, especially to allow them to comment on:



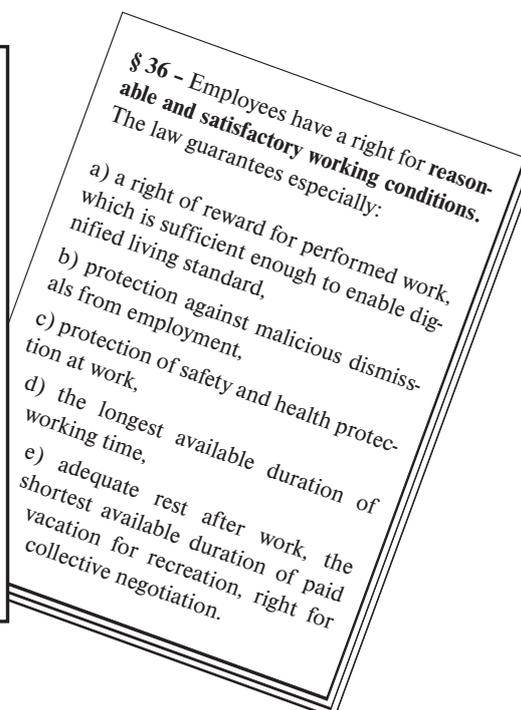
- a) policy of safety and health protection at work and programme of its realisation,
- b) proposal for selection of working equipment, technologies, work organisation, working environment, and working place,
- c) proposal for appointment of employees, which will perform duties for safety and health protection at work, and their duties,
- d) evaluation of risks, specification and performance of safety measures, including personal safety working means and means of collective protection,
- e) accidents at work, occupational diseases, and other health damage from work, which have occurred at employer's including results of their investigation; and proposals of measures,
- f) means and extent of informing employees, employees' representatives, and employees accredited to fulfil tasks of safety-technical service,
- g) acknowledgement and informing of employees, training of employees' representatives.

This list of employer's responsibilities is only a part of the regulations, which are laid down in:

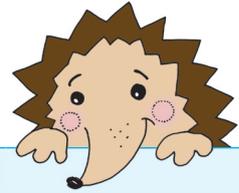
-  Act on safety and health protection at work - no. 330/1996 Coll.
-  Labour Code
-  Act on health of people no. 272/1994 Coll.

and other safety regulations.

## Rights and duties of employees



## Law guarantees the following rights to employees, who you represent:



§ 14 of Act 330/1996 Coll. on SHPW

- ✓ **discuss** with employees all the questions of safety and health protection at work connected with their work, and in case of need, a possibility to **invite** also experts in a particular field for a discussion after mutual agreement has been made,
- ✓ **to refuse to perform work** or to leave a workplace to get into a safe place, in case they reasonably believe that their life or health is immediately and seriously threatened or that of other persons.

A wide range of rights of employees is a subject of the **EUROPEAN SOCIAL CHARTER**, which was ratified and has become a part of our legal system by means of the Announcement of MZV of SR no. 329/1998 Coll. The Slovak Republic is bound by the following provisions:

- ☺ a right to work
- ☺ a right of proper working conditions
- ☺ a right of safe and healthy working conditions
- ☺ a right of appropriate reward
- ☺ a right of organisation
- ☺ a right of collective negotiations
- ☺ a right of children and juvenile for protection
- ☺ a right of employed women for protection
- ☺ a right of counselling when choosing an employment
- ☺ a right of professional education
- ☺ a right of health protection
- ☺ a right of social security
- ☺ a right of medical and social help
- ☺ a right of benefit from social services
- ☺ a right of physically and mentally handicapped people for professional preparation, working rehabilitation, and social readjustment
- ☺ a right of a family for social, legal, and economic protection
- ☺ a right of mothers and children for social and economic protection



## Law lays down also responsibilities to employees

The regulations, besides other things, say that employees shall work **conscientiously** and to follow the **instructions** of their superior workers properly; to keep the principles of **co-operation** with other employees; to make full use of **working time** and working equipment; to fulfil **work assignments** on time and with high quality; to follow legal and other **regulations** being subject to performed work and to ensure **safety and health protection at work**.

### Other responsibilities in field of SHPW, being a subject of § 14 Act no. 330/1996 Coll.

- ☺ to follow legal regulations to guarantee safety and health protection at work; to follow other regulations and instructions for safety and health protection at work guarantee, principles of safe work, principles of health protection, and **principles of safe behaviour** at working place, as well as other assigned working methods, about which an employer has properly been informed,
- ☺ to perform works, to operate machines and devices, and to use equipment, materials, and other means **in accordance with operating instructions**, about which he/she has properly been informed, with information, which are part of knowledge and skills acquired in terms of professional qualification,
- ☺ to operate selected machines and devices, to perform selected activities determined by special regulations, only if having an individual **license** for their operation and performance, and is appointed for this operation or activity by an employer,
- ☺ to **use safety** and protection equipment in an appropriate way, not to put them out of operation, nor maliciously replace them,
- ☺ to use assigned **personal safety working equipment** in an appropriate way and to take care of them,
- ☺ to attend **trainings and practices**, organised by an employer in an interest of safety and health protection at work, and **to undergo examinations** and medical examinations determined by special regulations,
- ☺ **to inform** a superior employee, without any meaningless delay, or a corresponding trade-union body if needed, employees' representative, or a corresponding inspection body about imperfections, which **may endanger** safety and health at work, especially direct and serious danger to health and life; and to participate in their elimination if possible,
- ☺ to undergo **examination**, provided by an employer or a corresponding body of state administration, to find out whether an employee has not used **alcohol**, narcotics, or substances influencing the psychic,
- ☺ **not to use alcoholic drinks**, narcotics, or substances influencing the psychic on employer's working places and in working time also outside these working places, not to go to work under their influence, and keep assigned smoking restrictions on working places,
- ☺ to attend **reconditioning stays**.



**An employees' representative is responsible for control, motivation, and leading of colleagues to keep the stated duties.**



# What is the safety and health protection at work?

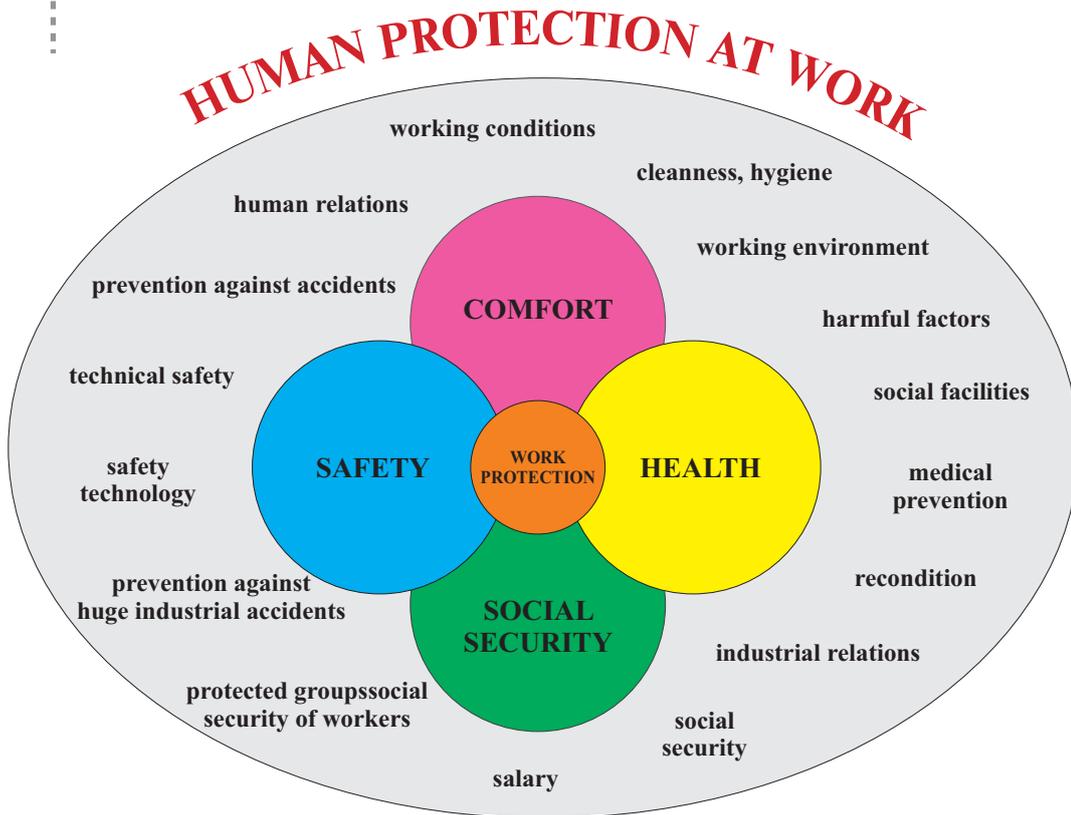
Do you think this question is too simple? And an answer to this question too obvious?



A phrase “safety and health protection at work” gains, in conditions of social and technical development, new measures. Many people connect safety and health protection with prevention against accidents and occupational diseases. However, a **new approach** deals with, besides safety and health protection, also with working environment, working conditions, working relationships, social security of employees, stress, burden, and other factors influencing their work, tries to create **satisfactory working conditions**.

**Employee’s rights of safety, health protection, just, and satisfactory working conditions are laid down in the Constitution of SR, no.36.**

An amendment to the Labor Code as of December 1999 established a concept of “**WORK PROTECTION**”. This concept shall be understood as a wider area including safety, health protection, social and favorable atmosphere at a working place - i.e. **HUMAN PROTECTION AT WORK**. The work protection affects **all aspects** connected with labor.



Does your working place deal with protection of employees with respect to all the circumstances connected with work, as it is shown in the figure above? Do you put emphasis also on human relations? Stress? Furnishing of dressing rooms, sanitary facilities? Questions concerning salary?

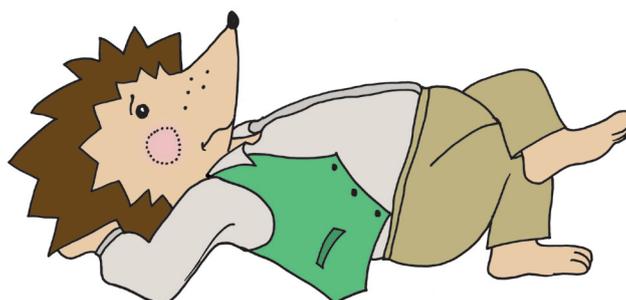
It is a **new challenge** for you, to pay attention to all the problems at working place.



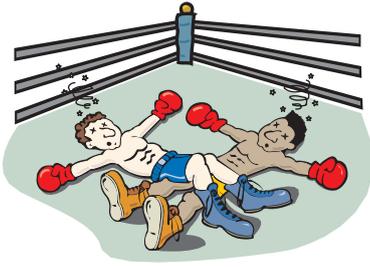
*New approach to dealing with questions of work safety  
is based on the following principles:*



- ↳ Not following the safety regulations is **not an accidental mistake**, but a result of inappropriate work organisation
- ↳ SHPW is not only prevention against accidents, it is also a creation of **favourable working conditions**, comfort at working place, and a working out of social aspects of work
- ↳ To ensure SHPW, it is not enough to fulfil required safety regulations; it is necessary **to uncover also other risks**, which endanger safety and health, and to execute corresponding measures
- ↳ An employer can not achieve an improvement of SHPW **without an active participation of employees**; he/she must allow them an active participation in management of SHPW
  - ↳ Enforcement of SHPW is effective only if it is not based on rectification of individual imperfections, but it **observes the causes** of their presence
- ↳ The safety of system is determined by means of how the human and mechanical parts are put into one whole; this means that an **organisation solving** is as important as a technical one
- ↳ It is possible to avoid accidents only by means of **target analysis** of any imperfection and unwanted events, which have not caused damage yet
  - ↳ Improvement of SHPW not only leads to safer and healthier a working places, but it also has an overall positive influence on operational and productive factors, it leads to higher **productivity, effectiveness, and quality** of work
  - ↳ Safety, health protection, and care for working conditions are **equal and inseparable parts** of fulfilment of working and production tasks



# Commission SHPW – arena for problem solving



In everyday working haste it is sometimes very difficult to find a place for discussion, for problem solving. It is especially difficult in large companies to contact competent people.

A suitable place, where you can propose for solution the working problems of employees, who you represent, is the **Commission of safety and health protection at work**. Every employer, employing over 100 employees, is obliged to establish such a commission in accordance with § 11 of Act no. 330/1996 Coll. A commission is a **counseling body** for an employer. It is made up of employees' representatives and representatives of an employer, especially experts in a particular field, whereas employees' representatives create more than a half of it.

## The meaning of the Commission of SHPW is

- ❖ **to propose measures** in fields of management, control, and improvement of a state of safety and health protection at work,
- ❖ to regularly **evaluate development** of accident rate at work, occupational diseases, breakdowns of technical devices, and other questions of safety and health protection at work, including state of working environment and working conditions,
- ❖ **to comment on** all the questions connected with safety and health protection at work,
- ❖ it has a right **to require necessary information** to perform its activity from an employer or inspection bodies.

Once the Commission of SHPW is established, **your right** of employees' representative to discuss problems directly with competent directors, to turn on them, require information, to perform supervision, propose measures, **is not restricted**. Neither other rights, which in accordance with the law belong to employees' representatives, are affected.

It is suitable to make use of the competence of the Commission of SHPW, especially if you are not able to carry things individually on your workplace.



## 10 PRACTICAL ADVICES:

- ❖ read notes from Commissions' meetings regularly
- ❖ find out, who is a chairman of the Commission of SHPW
- ❖ find out, who are other members
- ❖ prepare yourself for Commission's meetings in advance
- ❖ make use of principles of good communication
- ❖ formulate requirements concretely
- ❖ you may present your proposals also in written



## Co-operation with trade-unions



Trade unions and organizations uniting employees according to individual kinds of employment, with an aim to **defend their mutual social interests**. The right of employees to unite and organize themselves in trade unions is fulfilled this way. Trade unions, as a representative institution of employees, are **social partners** in relation to an employer and state. The rights of trade unions are based on international principles, which are under the auspices of the International Labor Organization and International Trade union Organizations. Trade unions are in every country of the world.

In Slovakia, the greatest trade-union body is the **Confederation of Trade unions**. It unites craft unions, 37 of them today, e.g. of metal industry, builders, agrarians, workers of chemical industry, business, etc. Some of the trade unions are not members of the Confederation. The Confederation of trade unions **collectively negotiates** with the government of SR and the Association of Employers Union, and it concludes with them a general agreement, which is the basis for collective contracts of a higher level.

However, the center of the trade-union activity is in **companies'** trade-union organizations. Formerly, an organization in trade union used to be here in our country. Probably aversions against practices in former regime caused that employers themselves are not interested in a membership in trade unions. Consequently, the new social conditions of trade economy often put employees into situations, when they would need a background in trade unions.

### *Does your company have a trade-union organization?*

You have common goals -

You have similar responsibilities and rights -

*- you shall pull the same rope*



## What do the trade unions mean to employees?

Many employees connected a membership in trade unions only with advantages of recreation allocation. Today, an important mission of trade unions is a defense of employees' rights. Our laws provide them with a wide range of **rights**:

### ❖ To discuss with management:

- schedule of working time and overtime work
- fundamental questions of care for employees
- compensation of accidents at work
- breaking of the industrial and safety rules

- ❖ **To give a permission to:**
  - issue work regulations
  - issue rules for SHPW guarantee
- ❖ **To control:**
  - compliance with collective contract
  - fulfillment of measures to guarantee SHPW
  - compliance with regulations for employees protection
  - state of SHPW in terms of regular annual examinations
- ❖ **To participate in:**
  - collective negotiations and working out of question of employees protection
  - investigation of work accidents
  - examinations of work protection, executed by inspection bodies; and many more.

**If you were appointed an employees' representative by a trade-union organization, it is right to ask them for help, advice, support, and co-operation.**

**To have a background in a trade union organization is a great advantage for employees' representatives.**

A trade-union organization has an **advantage** in that:

- ❖ it has formal **relationships** with a management built up
- ❖ has a political **power**
- ❖ leads **collective negotiations**
- ❖ has long-term **experiences**
- ❖ is **familiar with problems** of company and employees
- ❖ has a right to give **binding instructions** to stop dangerous work.



## In which fields can you co-operate with a trade-union organization?

- ✓ when exercising supervision of trade-union bodies over SHPW
- ✓ when investigating the causes of accidents at work and occupational diseases
- ✓ when giving binding instructions
- ✓ when compensating accidents at work and occupational diseases
- ✓ when dealing with conflicts at working places
- ✓ when prohibiting work in case of direct danger to life or health of employees
- ✓ when prohibiting work overtime and in night, which would possibly endanger safety and health of employees
- ✓ when discussing information given to employees' representative from employer in field of SHPW
- ✓ when preparing topics for collective negotiation
- ✓ when exercising supervision of collective contract fulfillment
- ✓ when carrying the provisions for improvement of SHPW

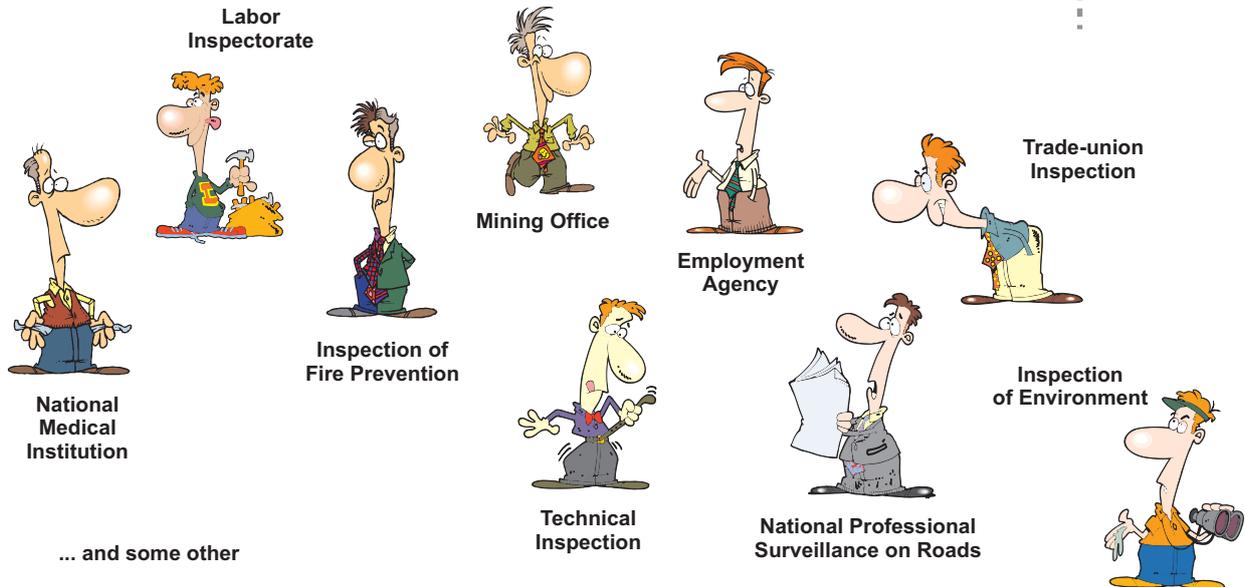


**You have a possibility to ask for counseling or help from a trade-union inspector for SHPW, or a trade-union council.**

# Co-operation with inspection bodies

Inspection bodies and inspectors are mostly considered to be an unpleasant visitors; it is better if we do not meet them. However, inspection bodies do not only have a goal to exercise supervisions or to impose a fine. Their important task is also a **counseling**, protection of employees, **carrying of management system** of safety and health protection at work.

**Inspection bodies** in a field of protection of employees at work are:



An important role in protection of employees have **LABOUR INSPECTORATES**.

Their responsibilities in accordance with Act 95/2000 Coll. on labor inspection are:

- ✓ **to exercise examinations**, whether the following is fulfilled:
  - legal regulations and other regulations to ensure safety and health protection at work, and to ensure safety of technical devices, including regulations for factors of working environment,
  - industrial provisions regulating especially establishment, change, and termination of legal relations, working conditions of employees, including working conditions of women, juvenile, and persons with changed working ability,
- ✓ **to investigate accidents at work** – fatal, casual, massive, breakdowns and failures of technical devices, and technical or organization causes of diseases from work,
- ✓ to attend **inspections**, evaluate safety **regulations**, issue **certificates and licenses**,
- ✓ **to induce responsibilities for violation of regulations** and violation of responsibilities based on collective contracts (to impose a fine, to issue prohibition of operation, or activity)
- ✓ **to provide counseling** in field of work protection to employers, employees, or natural persons.

*Take your chance to take counsel with professional workers from the Labor Inspectorate, possibility to gain necessary information, references, help, support.*





***Did an inspector from the Labor Inspectorate or other control bodies appear at your working place? Did you have a chance to meet or talk to him/her?***

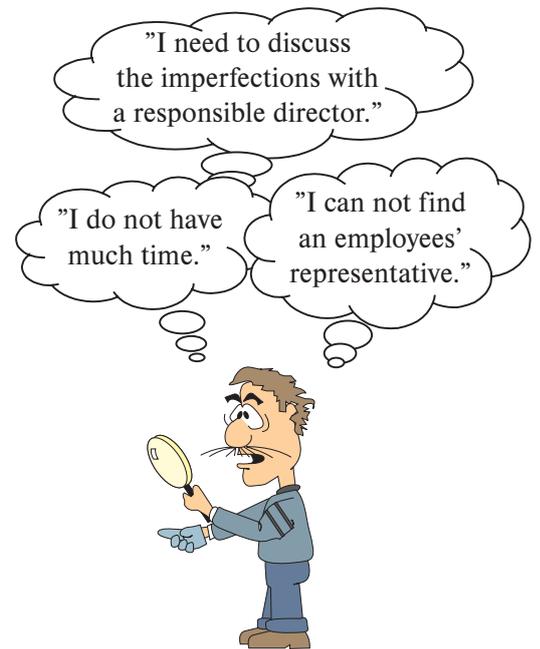
Inspectors are instructed (in accordance with methodic for inspection execution) **to invite to inspection** or to investigation of accident at work also employees' representatives. The truth is that inspectors often do not obey these rules in practice. Therefore it is better that an initiative comes from employees' representatives and that they exercise their right (in accordance with § 10 par. 3 Subsec. f of Act 330/1996 Coll.) **to introduce their comments** and proposals to inspection bodies at inspection at employer's. To present suggestions to inspection bodies, especially if an employer has not eliminated imperfections, against which he/she was warned.

## **Why does a co-operation of employees' representatives and inspectors stagnate?**

**From employees' representatives' side:**



**From inspectors' side:**



Mutual **co-operation** at inspection is the best way **to uncover, what needs to be improved**. Therefore, sensitive methods are required for establishing provisions at working places. It is necessary to create an atmosphere of mutual interest in working out of problems, effort of continuous improving, and a conscience of benefit of every side present.

A co-operation of employees' representatives and inspectors has **the following advantages**:

**employees' representative:**

- fully knows the working place and performed work
- is aware of all problems at working place
- knows about circumstances, which might have lead to accidents

**Labor inspector:**

- has a stronger competence to carry provisions
- is able to judge a situation professionally
- may give an advice concerning solutions used in other companies

An employees' representative also has a right to ask an inspector for **counseling** in any question affecting safety and health protection at work, safety of technical devices, working environment, protection of employees, and activity of employees' representatives.

Inspectors offer counseling during inspection in a company, on selected days at the Labor Inspectorate personally, in written, or on a phone. **Counseling is free of charge.**

# Exercise your right of supervision

Supervision at working places is the **right**, but **not an obligation** of the employees' representative. The employees' representative should not substitute the position of a safety inspector and obligations of management staff. On the other hand, it is advisable, that the employees' representative presents himself by **making use of his rights** also in the field of supervision.



## *When to supervise?*

- in regular intervals – e.g. quarterly, or biannually
- following a registered accident, emergency, or any other significant unfavorable event
- following the change of working conditions, change of technology, implementation of new machines
- following a suggestion and warning by other employees, in particular complaints
- following the screening by inspecting authorities, whether the identified defects have been removed

## *What is the subject of supervision?*

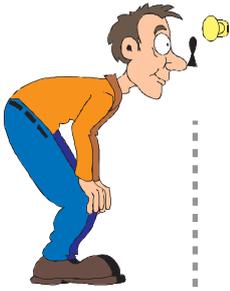
- observance of safety regulations and job security principles
- taking measures after previous screenings
- documentation related to job security
- paying attention also to other working conditions, e.g. stress, workload, human relations at working places, microclimatic conditions, social and personal matters of employees, etc.

## We recommend observing the following principles:

- ✓ it is advisable to develop a **plan** of supervisions in advance for a particular period (e.g. half-year)
- ✓ **to inform** your direct **superior**, when you are going to perform activities related to a job of the employees' representative
- ✓ to inform in advance a relevant **manager, who is responsible** for a supervised section, on supervision of the working place or documents, unless it restricts the purpose of supervision
- ✓ **to consult** the conditions at a working place **with the employees**, who work there
- ✓ **to require the information** on the facts influencing SHPW from the managerial staff and the safety inspector
- ✓ to focus on revealing what may **hurt** people, what **makes** being at a working place **unpleasant** for people
- ✓ not to forget to **check observance** of the measures from the previous warnings
- ✓ keep **written records** on findings at supervisions



## What can be the subject of supervision?



- ✓ safety of communications, objects and buildings
- ✓ organization of working places
- ✓ condition and function of protection facilities
- ✓ function of safety facilities
- ✓ sanitary facilities at working places, facilities for personal sanitation
- ✓ technical condition of machines and equipment
- ✓ safety of reserved technical equipment
- ✓ safety marking, warning and informative tables and marks
- ✓ safety of technological methods
- ✓ using personal protective working means
- ✓ working activities of employees
- ✓ microclimatic conditions
- ✓ factors of working environment
- ✓ specialized safety requirements
- ✓ ergonomics
- ✓ psychical factors of working activities and stress
- ✓ social factors of work
- ✓ working relations
- ✓ pracovné vzťahy

## Documentation can tell you much

### Which documents you may require for review?

#### *Organization and management field:*



- ⇒ **operation and organization rules**
  - determine also the obligations in the field of SHPW, structure of management and responsibilities
- ⇒ **company safety regulations, operating rules, operating methods**
  - under § 8 par. 1 subsection k) of Act 330/1996 Coll., an employer shall issue rules and directions for ensuring the safety and health at work, § 8a par. 1 subsec. i), he shall define safety-operating methods to employees. Several safety regulations specify this obligation in particular activities. For example, Decree 374/1990 Coll. in constructing activities.
- ⇒ **collective bargaining agreement**
  - specifies several other obligations of an employer for protecting employees at work, which are binding as well
- ⇒ **company policy of SHPW and program of its implementation**
  - under § 8a par. 1 subsec. s) of Act 330/1996 Coll., an employer shall develop a document containing essential intentions, which are to be reached in SHPW, and define the means and way of their implementation.
- ⇒ **analyses of safety at work condition and analyses of fatality figure**
  - whether safety at work is checked, whether analyses of fatality figure are executed and measures for improving working conditions are taken.

⇒ **minutes from the management meetings**

- SHPW is an inseparable part of management, inseparable part of performing working and manufacturing tasks, it should therefore be also included in management meetings (Labor Code - LC)

⇒ **specified rights for performed activities**

- or entrepreneurial activities at reserved technical equipment and some other activities, an authorization by established authorities is necessary, e.g. under Decree 74/1996 Coll., Ministerial Order 206/1988 on poisons, and others

⇒ **agreements on the co-operation at joint working places, agreements on operating premises lease**

- at a working place, where more employers work, a written agreement must be concluded, which determines, who is responsible for creating the conditions of safety and health of employees at a joint working place under art. 9 of § 330/1996 Coll.

### *Industrial field, working conditions*

⇒ **employment contracts and workload of employees and managerial staff**

- persons may be employed only based on an employment contract, workloads shall involve also obligations in the field of SHPW, especially for managerial staff (LC)

⇒ **records of health fitness of employees**

- entry medical examinations, periodical medical examinations of selected professions and working places, exit examinations (Direction of MH no. 17/1970)

⇒ **documents of employees' skills for operating and some other activities**

- attestations and certificates of skills for selected professions, e.g. derrick men, electricians, firemen, drivers of motor vehicles, for activities at electric equipment, working with chemicals etc. (e.g. Decree 74/1996 Coll. STN 26 8805, ...)

⇒ **records of trainings of SHPW**

- entry and repeated trainings of SHPW, trainings of managerial staff and specialized repeated trainings of selected professions (Act. 330/1996 Coll., art. 8b)

⇒ **shift records**

- how regulations of overtime, of employing women and the juveniles are observed, observance of breaks at work, etc. (LC)

⇒ **list (regulative) of personal protective working means**

- list of PPWM is made based on jeopardy review (LC § 133, par. 2, Decree 377/1996 Coll.)

⇒ **documents on allocating the personal protective working means**

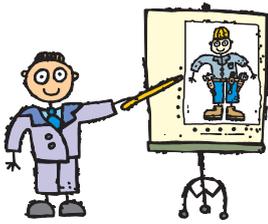
- whether employees receive the specified PPWM, whether they are certified (Decree 377/1996 Coll.)

⇒ **inspections of consuming alcoholic drinks**

- a group of people, who are entitled to perform alcohol inspections, shall be specified



## *Anti-accident prevention*



- ⇒ **documents of reviewing the danger at work and of taken measures**
  - the obligation results from § 8a par. 1 subsec. c of Act 330/1996 Coll, analyze risks and dangers, for proposal of measures prefers collective protection to the individual one.
- ⇒ **records of accidents at work**
  - records of registered accidents at work shall be kept; the records of accidents shall contain the taken measures and their checking, the records shall be sent to the Labor Inspectorate monthly, reports on investigation of casualties and fatal accidents (Decree 111/1975 Coll.)
- ⇒ **books on minor injuries SHPW**
  - a book on minor injuries must be kept at each plant (Decree 111/1975)
- ⇒ **administering and training of the first aid**
  - § 8c of Act 330/1996 Coll., specify the method for an event of health injury and define administering the first aid
- ⇒ **emergency plans**
  - under § 8a par. 1 subsec.h) and art. 8c of Act 330/1996 Coll. and other regulations, it is necessary to take measures for reduction of endangering the life and health, to perform the necessary measures for reducing eventual consequences.
- ⇒ **maintenance programs and plans, documents on maintenance**
  - technical standards and technical documentation of machines and equipment dictate maintenance, oiling and setting up of particular parts
- ⇒ **documents on permissions for working with electrical equipment and some other equipment**
  - for some equipment, a special permission is necessary for repairs and maintenance

## *Working environment*



- ⇒ **documents on the results of measuring the harmful features in a working environment**
  - e.g. measuring the noise, vibrations, admissible concentrations of harmful substances, etc. Regulation MH 7/1978, Act 330/1996 Coll. § 8d)
- ⇒ **documents on dangerous places of work**
  - if the sanitary authorities declared dangerous places of work and determined the conditions for work, Instructions of MH 13/1986
- ⇒ **lists of dangerous substances, safety cards of chemicals**
  - manufacturer's information on properties and usage of chemical substance and first aid, under Ministerial Order 206/1988, Decree 59/1982 Coll.

## *Operating premises, objects and buildings*



- ⇒ **project documentation of construction**
  - under Building Act 50/1976 Coll., decision on approval for use, actuality of documentation, recorded changes
- ⇒ **project documentation of manufacturing and operating premises**
  - correct arrangement of machines, communications, energetic distributions under the relevant STN, Direction on sanitary requirements for stationary machines no. 17/1976
- ⇒ **train regulation**
  - and other documents under regulations of SRR (ŽSR), if there is a train on the company's premises

## *Safety of machines and technical equipment*

### ⇒ technical documentation, passports of machines and technical equipment, and specified attestations of particular items

- documentation from a manufacturer must be in the Slovak language, must involve instructions for use, maintenance, testing, securing the safety at work, specified attestations, schemes, etc., Act 330/1996 Coll. § 7 and § 8 par. 1 subsec. t), Decree 59/1982 Coll. § 3

### ⇒ operating documentation, operating journals, records

- technical documentation of machines and equipment specify the obligations, what operating documentation must be kept. These obligations are listed also in technical standards for individual equipment and in safety regulations, e.g. Decree 74/1996 Coll., Decree 59/1982 Coll. and others. For some technical equipment, records of undertaking and passing the operation must be kept.

### ⇒ documents of putting equipment into operation

- records of approval tests and of tests, which are determined before putting equipment into operation - Decree 74/1996 Coll. and relevant STN

### ⇒ inspection books, documents of executing the specified reviews, tests and inspections

- for most of technical equipment, tests and reviews are specified, on which records must be kept as follows: observance of terms, removal of defects and observing the conditions of operation according to the tests results

### ⇒ appointment of persons responsible for technical equipment operation

- for selected technical equipment appoint persons responsible for operation, operators

### ⇒ documents of driving the motorcars and vehicles

- observance of safety breaks, safety at repairs and maintenance; Decree 208/1991 Coll., transport-operation regulation, STN for motor vehicles.



## *Safety of working activities*

### ⇒ technological documentation

- technical documentation of technological methods must involve requirements for securing SHPW (Decree 59/1982 Coll. § 3), employees must be familiar with technological documentation.

### ⇒ working methods

- an employer shall define safe working methods for employees (§ 8a par. 1 subsec. of Act 330/1996 Coll.)

### ⇒ documentation for building jobs

- under Decree 374/1990 Coll., a great emphasis is placed on defining the working methods for building jobs, especially methods for demolishing jobs, jobs in heights, ground jobs etc., keeping a building journal



This list of documents and documentation, which may tell you more about the care by your company of SHPW, is only a frame and with regard to the variety of technical equipment, technologies and objects, more documents may be required.

***Part of supervision is also a feedback - verification of taken measures and how they were fulfilled. Remember that.***

# What is meant by accident at work?



**Every day, 100 accidents at work happen in Slovakia.  
Every day, someone is seriously injured, with persistent effects.  
Every other day, someone dies at work.**

This is just statistics. However, behind these accidents at work, human misery, pain, suffering must be seen. Accidents at work influence disastrously companies' prosperity, they also mean large financial losses.

**Most accidents at work are the result of bad care of safety and protection of health at work by an employer and low responsibility of employees for their own health.**

In connection with performance of working tasks, an accident at work happens, which requires incapacity for work for **at least one day** (except from the day when the accident happened), an employer is obliged to register the accident. Under **Decree 111/1975 Coll.**, the **registration** means three steps:

1. reliable identification of circumstances and **causes** of the accident
2. making a **record** of the accident (within two working days)
3. taking relevant **measures**, so that no similar accident could happen again

Minor accidents and injuries, where incapacity for work did not happen, must be **registered**. For this purpose, a **book of minor accidents** must be kept at each working place.

*How accidents at work are divided?*  
(see Decree 111/1975 Coll.)

- ⇒ fatal
- ⇒ casualty
- ⇒ mass
- ⇒ other

## What must be done, if an accident at work happens?



- administer **first aid**
- **inform** immediately the nearest superior about accident
- **inform the management** of organization labor unions about accident
- take measures, which shall **prevent other** possible **danger** to life and health of employees
- in the event of fatal or mass accident, inform the Inspectorate of work and the police and secure the place of the accident so that it remains in original condition until investigating authorities arrive
- **identify** responsibly and reliably the **cause**, causal contingencies, and all the other circumstances about accident at work



The employees' representative is entitled and morally obliged to participate in investigation of accidents at work causes. Insist on being a member of a fact-finding commission, if an accident happens to an employee you represent. If an accident is investigated by a Labor Inspection, it is useful to co-operate closely with an inspector.

# Compensation relates to accidents at work

If an employee came to an accident at work, an employer, with whom the employee was **in employment at the time of the accident**, is responsible for the damage incurred. The damage at the accident at work may range to:

- ❖ income loss
- ❖ pain and obstruction of social applicability
- ❖ objectively spent expenses related to treatment
- ❖ material damage

Compensation applies to an employee also **after ending** the incapacity for work, if s/he had to be **placed** to the less paid position due to the accident, or s/he was **disabled**. An employer must adjust the difference up to the level of an income; s/he was receiving before the accident.

An employer is obliged to compensate the damage, **also if s/he has observed** the obligations resulting from the regulations for securing SHPW, until s/he is relieved from responsibility. An employer may be **relieved from responsibility only in the event** of proving that the accident at work happened due to violation of safety regulations, or due to the drunkenness of the affected employee. In reviewing, whether an employee violated legal or other regulations for securing SHPW, it is not possible to invoke only the general provisions, according to which everyone **acts so that they do not endanger** their health and health of other persons. Standard carelessness and acting resulting from the danger at work cannot be considered to be **frivolous** acting. You may find more detailed explanation **in the Labor Code § 190 to 205**.

For **fatal accident at work**, survivors are entitled to compensation ranging to:

- ❖ reimbursement of the objectively spent costs related to his/her **treatment**,
- ❖ reimbursement of the appropriate costs related to the **funeral**,
- ❖ reimbursement of the costs for the survivors' alimony,
- ❖ **single** indemnification of the survivors,
- ❖ reimbursement **of the material damage**.

Reparation relates also to **occupational diseases**. An employer, for whom the employee worked for the **last time before identifying the occupational disease** in the employment under conditions, due to which the occupational disease, which has affected the employee, occurs, is responsible for the damage inflicted by the occupational disease.

In order to provide the social-welfare **security of the employee** injured at the accident at work, a **legal obligation** is specified, that employers employing at least one employee are, for the event of their responsibility for damage at an accident at work or an occupational disease, **insured in an accident insurance company**. Currently, the Slovak insurance company performs the accident insurance and all employers are obliged to contribute monthly with a specified percentage from their wages.





The best way, how to **actively avoid accidents** and other unfavorable events at working places is

## Review of risks

- it is a review of what may cause harm to people.

The philosophy of risk review results from the principle that it is impossible to provide safety at a working place only by observing the regulations for securing the SHPW. It is necessary to review what may cause harm to people also outside the scope of the regulations. At the same time, a principle governs that **no zero risk exists**, no absolute safety exists. Safety is just the **acceptance of a certain degree of a risk**. This knowledge requires people to be continuously careful. **To be aware of dangers**, which may cause an accident and **know, how** they should **avoid** them.

### EVERY ACTIVITY INVOLVES RISKS:

- crossing a road
  - driving a car
  - skiing
  - traveling by air
  - climbing a ladder
  - working with computer
  - working with mangle
  - welding
  - etc.
- the list of activities would be infinite.



*However, they may be satisfactorily passed, if we check, that the **risk is acceptable**.*

In our everyday life, we mostly act subconsciously so that we avoid danger. However, working activity is so varied and difficult, that in order to recognize dangers and threats, a **systematic analysis** is necessary. This method is called **review of risks**. Most often, the procedures of risks review, which result from STN EN 1050, are used.

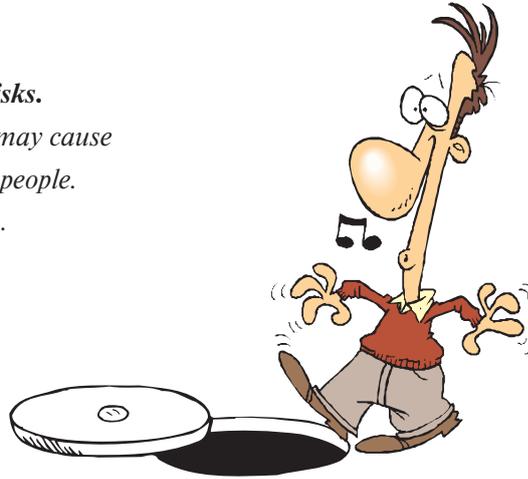
By operation of law, an employer is obliged to determine what **dangers** result from working activities and from using working means. There **are no fixed rules** for basis and methods of risks reviews. Everyone may choose their own, but **systematic** method-sequence of steps, by which they will manage to **improve** safety and health protection, **recognize** organizational and managing defects, **map** the factors, which influence the working comfort and take measures for making work more effective.

Review of risks in a company is a **campaign**, which **all employees** must be interested in. On one hand, employees will participate in mapping what may endanger them and, on the other hand, every employee must receive results from the review of risks, information on what may endanger them, what an employer has done to reduce a risk, and how an each employee should protect oneself.



In connection with the review of risks, three terms are used: **danger - threat - risk**. **Danger** is defined as a hidden attribute - potential, which may cause an accident. **Threat** is an active operation of the danger - thus, the way, in which the accident could happen. **Risk** is the "size" of threat resulting from the **probability** of the accident and the importance of a **consequence**. Differentiation of them is meaningful only for expert analyses. In a casual speech, it is not important to distinguish them. They are three sides of the same thing - of what may hurt people.

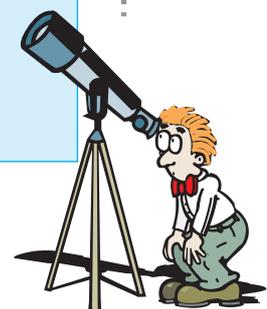
*It is important to develop **reception of risks**.  
To use this ability for recognizing what may cause  
an accident, or unfavorable situation to people.  
To lead colleagues toward this approach.  
To use the review of risks in supervising.*



## Instructions for a simple method:

You may perform checking of what may cause an accident yourself, or you may ask an expert to help you. In most cases, for such checking of working places, the basic knowledge on safety and health protection at work, which are part of the employees' training, is enough. It is important to have a good will to do that; to convince oneself that the current safety measures are sufficient. The method may be summarized into these simplified principles:

1. Walk the working place and identify, what might cause a damage. Concentrate only on the important dangers, which may endanger people, ignore little things. Ask other employees, where they see dangers, what is their idea of improvement of working conditions. It is necessary to consider also unfavorable events, which have happened so far, or "have almost happened".
2. Consider, whether someone other than an employee may be endangered. Check, whether everything required by safety regulations has been done. If not, at first, it is necessary to observe the legal safety requirements.
3. Try to guess, what is the probability of unfavorable event and what may happen. If the threat may be considered serious, try to suggest what measures should be taken to eliminate the risk. It is necessary to inform about serious threat immediately and ask for reparation.
4. Write down the course of checking, results of findings, and eventual suggested solutions and submit them for settlement to the responsible managerial staff.
5. Teach also your colleagues to walk with their eyes open and recognize what might cause an accident.



## Co-operate with colleagues



*Do not rely only on what you can see. Ask your colleagues what obstructs them.*

These people have chosen you because they **trust** you.  
It is important to **know people**, whom you represent.  
To be able to **feel** their needs, be willing to **understand** others.  
Or as it is said: to see the world through their eyes, walk with their shoes on  
(in specialised terminology, this ability is called **empathy**).

*Our acts modify our relations towards other people.*

*People, for whom we have done something, are more loveable for us.*

Basically, people behave according to the saying:  
“How one shouts to the woods – the woods resounds likewise”.  
 (“You get as much as you give.”)  
Trust is responded to by trust, kindness by kindness.  
This applies also to negative manifestations.



Each act invokes a response. It is important that our acts are understood clearly.  
As soon as one fails to be trustworthy, it is difficult to recover that.

It is therefore important to communicate with people. There are often barriers in communication between people, which leads to misunderstanding. As if various terms were associated to by various meanings.

For correct communication, it is important to

- ⚙ **be able to listen**
- ⚙ **be able to ask**
- ⚙ **be able to capture attention**  
and have other abilities.

In other sections of this guide, we will focus on improving these abilities –  
- the so-called “social skills”.



# How to communicate successfully

The illusions, that if speak the same language, we understand each other and that the art of **talking** is important for communication, do not apply. It is not enough to speak the same language, we must also **understand each other**.



## *Why we do not understand each other*

Perhaps the greatest misunderstandings are caused by the problems with **perception** of the content of what we hear. It is not enough to hear, but to understand clearly what we hear. The ability to understand is influenced by our expectations, experiences, and attitudes, and sometimes also prejudices. Therefore, we often hear something completely different from what has been said. We talk about the **difference of perception**.

In working environment, as well as social life, we exist in a mutual **communication**. As the employees' representative, you will communicate at various levels, under various circumstances, also in various ways: you must be prepared for that.



## Which abilities support successful communication?

- ❖ the ability and willingness to **understand an opinion** and attitude of a partner
- ❖ the ability to **concentrate**
- ❖ the ability to **listen**
- ❖ the ability to **feel** (empathy)
- ❖ the ability to **ask**

*To talk is not enough - the art of listening is much more important.*

Only those may actually listen, who can respect opinions of others, even when they disagree. This is an assertive listening.



## In assertive listening, we observe the following principles:

- ❖ **we avoid judging** of what we hear;
- ❖ **we keep physical attention** - keep the visual contact, nod, manifest interest, etc.
- ❖ **we stimulate talking** - raise open questions and investigating questions, by which we stimulate speaker to talk further; (the open questions are those, which may not be answered to by yes/no);
- ❖ **paraphrasing** - we repeat in our own words what we have heard, in order to check whether we understand clearly everything, about what the speaker was talking.

## The principles for an effective and active listener:

- ✓ listen carefully to what is your partner talking about, be aware of negative evaluations, which fill your mind and keep them aside;
- ✓ ask speaker to describe all the merits and strong places of his/her thoughts, and listen to them without agreeing or disagreeing;
- ✓ raise questions, which will help speaker to review the possible disadvantages and just listen again;
- ✓ if any advantages or disadvantages, which were not talked about, come to your mind ask yourself, what has motivated their occurring, whether they are justified or whether they are a result of your critical judging;
- ✓ if you think that certain important aspects, about which a thinker did not think, exist, try to stimulate him/her with questions to observe them; e.g. "Have you thought about ...?"

### *Question is an active listener's mate.*

#### *Are you able to raise the right question?*

##### **Open question**

is a question, which stimulates the speaker to examine and talk. The questions starting with "What?" and "How?" or "Tell me about..." are particularly suitable.

##### **Investigating questions**

or the questions, which lead to the core of the matter. They take over the initial information created by the open question and start to examine it in more detail. They help to make the speaker review certain fields - such as needs, feelings or thoughts.

##### The questions, which help the speaker to examine **the needs**, are:

*"What do you want to be reached?"*

*"How should it look like in your opinion?"*

*"What will change, if the problem is solved?"*

*"What is the worst, the best solution?"*

*"What would you prefer?"*

##### The questions, which help the speaker to examine **the feelings**, are:

*"What is your feeling about that?"*

*"What forces you to talk this way?"*

*"What happened that you feel this way?"*

##### The questions, which help the speaker to examine **the thoughts**, are:

*"Which facts relate to this?"*

*"How would you react if you failed to reach the goal?"*

*"What are your options?"*

*"Is there any other solution?"*



*Listening is ability, which may be improved similarly like any other.*

# How to prepare oneself for a conversation

- ✓ prepare sufficiently for the content, think the problem over from all aspects
- ✓ think over the shoals and mistakes, which may occur
- ✓ prepare a strategy of proceeding, how will you react – alternatives
- ✓ keep dialogue within the problem in question
- ✓ support discussion, balanced space for both sides
- ✓ raise open and investigating questions, which will invoke a great number of possible answers

## What is non-verbal communication?

The non-verbal communication – means **extra-lexical**. Is it possible to communicate without words? In contrast to the written discourse, the spoken discourse is accompanied by other manifestations, which **complete the lexical information**. The extra-lexical communication is often **understandable also without words**, what is proved not only by pantomime, but also silent films.

Try to watch people talking to each other behind a window, or when they are so far, that you can not hear their conversation. And try to guess from their faces and gestures, what they are talking about.

Experts claim that people exchange **most information** extra-lexically (non-verbally). We communicate extra-lexically **without conscious effort** and despite that, it **influences considerably** the whole communication:



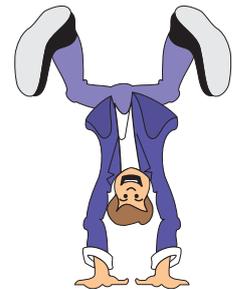
- ⇒ we transfer up to 53% of information by means of mimicry, eyes, posture, i.e. the so-called body language;
- ⇒ 38% a voice contributes to the final impression – its color, intonation, tempo, accent;
- ⇒ we transfer 7% of information by means of words.

*Extra-lexical communication reveals attitudes and emotions of people.*

**During conversation, it is advisable to respect distances from a partner – personal zones**

<b>Intimate zone</b>	0-45 cm, close friendships, family
<b>Personal zone</b>	45-120 cm, personal conversation, <b>office dialogues</b>
<b>Social zone</b>	120-350 cm, <b>social conversations</b>
<b>Public zone</b>	350 cm and over, public meetings

If you have mastered the skill of communication with colleagues, prepare yourself for a more difficult partner:



# Negotiating with an employer



Negotiating is a process, by means of which at least two parties with different **perception**, with different **needs** and **motives** try to **agree** upon the matter of a common interest. There is no single recipe for negotiating. The acknowledged methods often fail. Try to be flexible and adjust to circumstances.

It is important mainly to:

- ❖ be polite, grateful and tactful
- ❖ be realistic and rational
- ❖ become the one who knows what s/he wants
- ❖ be able to distinguish between important and secondary matters and not to pay attention to trumpery
- ❖ neither give up easily nor accept a way of less resistance
- ❖ be self-confident and manage to control oneself
- ❖ know, how to accept or show wealth
- ❖ be able to undertake responsibility and not be afraid of taking the initiative into one's hands
- ❖ note, when the shift in balance happens and try to make use of it
- ❖ know, when to finish

The success of negotiating relies to a considerable extent also on knowing oneself and on knowing the other party – **what are they like** – weak? strong?

Which type of negotiator do you think you belong to?



- ⇒ Uncompromising?
  - ⇒ Aggressive?
    - ⇒ Soft?
      - ⇒ Flexible?
        - ⇒ Well-prepared?

Do you know what are the worst characteristics of a negotiator?

- ☹ eagerness to satisfy everyone
- ☹ to be naive and trust too much
- ☹ to be too nervous and aggressive
- ☹ to be uncertain
- ☹ to be unable to cope with an uncertainty of the others

Experiences show that negotiators with high requirement achieve more. Those who do only little retreats are more successful. On the other hand, effective negotiators indicate the tendency to retreat at the beginning of negotiating, in order to use stable attitude at the end.

In negotiating, you may meet various types of negotiators:

### JIVE-ASS

He does not doubt at all that he will win and you will lose. A rude jive-ass will tell you that at the very beginning, an intelligent one will not tell you anything – you will find out at the end, that you have been duped. He is a great manipulator.

### PROFESSIONAL

you will recognize him at the very beginning. He knows, who you are, what do you want, and he also knows what he wants and how he will achieve that. He has knowledge, power, and – what is the most important – abilities and skills necessary for effective negotiating.

### NAIVE

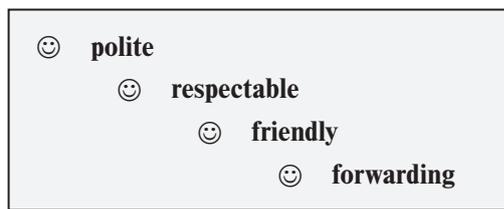
is unprepared, does not know what is going on, trusts you to such an extent, that you may achieve whatever you want. But be careful. He may hide something, he may agree with you, because he has got an intention – a larger bag. He knows, that he must retrieve, so that you have been finally trapped. He is prepared to lose now, because he knows, he will gain later.

### TINKER

unsoundness of his acting is based on that, that as a result of this both parties lose. When he starts to “drown”, he may drown you as well. Therefore, encourage him; if he does not understand something, explain it to him, if he feels endangered, act tactfully, and do not apply your predominance.



However, there exist people who are



*Let's believe they are a majority!*

However, prepare your weapons for negotiating:

- ☛ define your objective, which you want to achieve in negotiating
- ☛ write down a list of arguments and objections, which your partner will probably submit
- ☛ prepare illustration examples and the most powerful points of your view
- ☛ find out as much information as you can on your opponent
- ☛ talk to people, who know the other party in advance
- ☛ talk persuasively and solve the problems with enthusiasm
- ☛ do not make retrieves, if you do not gain by it
- ☛ make sure that emergency solutions exist
- ☛ deal with objections against your statements already at the beginning – in order to upset them
- ☛ do not underestimate either your own or your opponent's weak and strong sides
- ☛ do not start to negotiate, unless you are certain at least a bit, that you will survive negotiating better than before starting it

*If you want to reach honey, do not bore the hive*



*In conclusion, several good tips for negotiating*



In negotiating, it has been proved to:

- ☺ Strike a **clear, exact and brief** attitude. To be able to say yes and no. However, do not say **no** too often.
- ☺ Present your own opinion so that it is understood; be aware of your **right of opinion**.
- ☺ In presenting information, be direct and descriptive, avoid influencing the receiver, **and do not advise**.
- ☺ Concentrate on clear formulation of **needs and expectations**.
- ☺ **Present** your **feelings** in first person singular - "I"; do not express your feelings with airs and graces
- ☺ in criticising and praising, describe clearly what it is about, clarify, **what consequences does it have for you**. Do not overburden the others either with praise or criticism.
- ☺ Listen **without critical remarks** and comments.
- ☺ Do not undertake immediate responsibility for what you are informed on, **take your time**.
- ☺ **Manifest, that you are listening**, use extra-lexical communication, encourage the speaker.
- ☺ **Appreciate feelings of the others**, avoid thus refusing or approving them.
- ☺ In accepting the criticism, **do not react too sentimentally** or hysterically. Examine the criticism, **raise questions**, and ask for examples.
- ☺ Accept the praise **without reserves** and thank for appreciation. Do not try to render praise for praise.
- ☺ Attempt for a **bilaterally advantageous** or at least acceptable result of negotiating.
- ☺ Be able to **adjust your acting**, admit your mistake, if it will be proved that a better option exists.
- ☺ **Share** the fame.
- ☺ Do not try to **win by all means**.

And the final tip:

*Do not believe that all can be achieved by negotiating.*



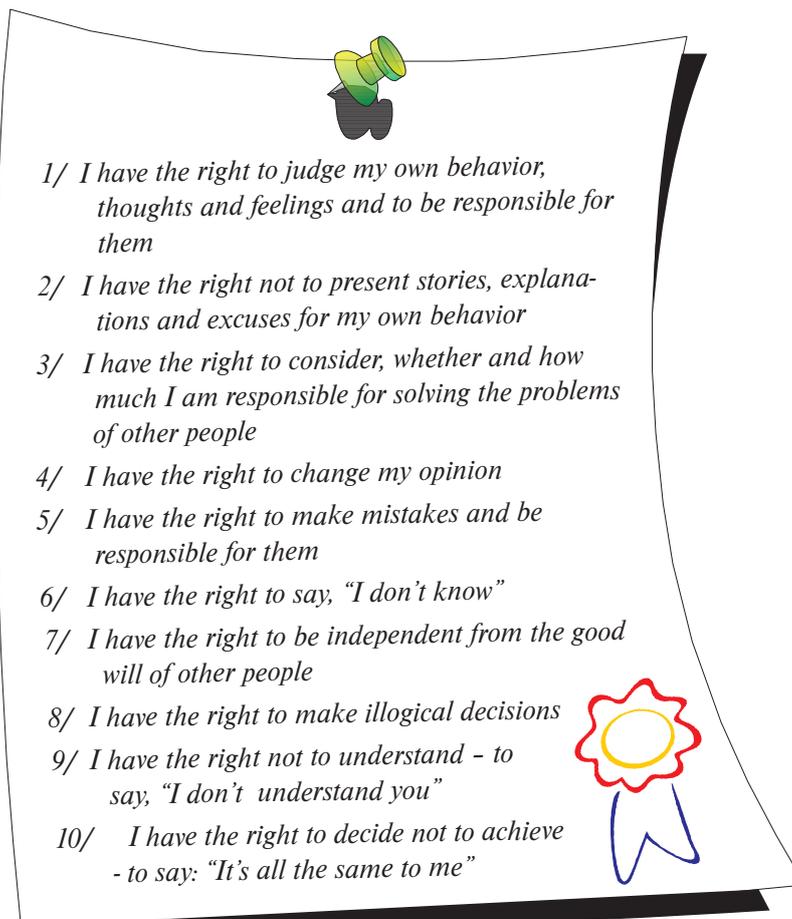
Do not let yourself be manipulated during negotiating. The effective weapon against manipulation is

## Assertiveness

The strange title may raise your dilemma. The term assertiveness means direct, adequate, and honest expressing of one's own thoughts, feelings, and opinions in a positive as well as negative manner, without violating rights of other people, or one's own rights. Assertiveness is a technique of communication; it is the way of talking, which may be learned by a long-term training.



*Here is the list of assertive rights:*



- 1/ *I have the right to judge my own behavior, thoughts and feelings and to be responsible for them*
- 2/ *I have the right not to present stories, explanations and excuses for my own behavior*
- 3/ *I have the right to consider, whether and how much I am responsible for solving the problems of other people*
- 4/ *I have the right to change my opinion*
- 5/ *I have the right to make mistakes and be responsible for them*
- 6/ *I have the right to say, "I don't know"*
- 7/ *I have the right to be independent from the good will of other people*
- 8/ *I have the right to make illogical decisions*
- 9/ *I have the right not to understand - to say, "I don't understand you"*
- 10/ *I have the right to decide not to achieve - to say: "It's all the same to me"*

Assertively acting person does not have a problem to ask others for help, or favour. He accepts, if he does not achieve something, which he is not entitled to. He can accept compromises. He stands for his opinion and he is usually able to enforce it - without trying to manipulate the others by means of various forms of emotional extortion.

Assertively acting person is actively orientated towards life; he goes for what he wants. In contrast to a passive person, who waits until things happen, the assertive person tries to act so that things happen. He is aware that he cannot always win, so he accept his limits, he always tries to achieve as much as possible, so whether he wins or loses, he keeps self-respect.

However, an assertive behavior is not an obligatory training. People often do not fancy to invest energy and time into an assertive behavior. They have the right to it - not to achieve.  
(10)

## What types of behavior do we know?

### Assertive

- ☺ solves conflicts
- ☺ communicative, open
- ☺ has a positive relation toward people
- ☺ can control him/herself
- ☺ adequate self-confidence and self-respect
- ☺ psychical and physical relax



### Aggressive

- ☺ conflicts with other people
- ☺ feelings that he is attacked
- ☺ cannot control him/herself
- ☺ ostentatious ME
- ☺ psychical, physical stress



### Passive

- ☺ feeling powerless
- ☺ lower self-confidence and self-respect
- ☺ loneliness, stress
- ☺ injustice
- ☺ attempt to satisfy others
- ☺ conflict-anxiety
- ☺ physical, psychical stress



Aggressive and passive behavior are a certain form of protection and uncontrolled emotions. Those, who feel endangered or are anxious, use them.

For keeping your rights, the following **assertive techniques** will help you:

#### Record

We constantly repeat our requirement - claim - with the same tone without further explaining and reasoning.

#### Self-opening

Talk about what you feel in connection with the situation. Talk about your emotions.

#### Open door

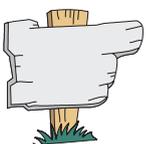
Agree in a critical statement with all, what is true. Agree also that the things may happen the way your partner sees them. Open doors in order to continue in communication.

#### Negative assertiveness

The technique teaches to accept own mistakes, reduce anger and aggressiveness of who is criticising. In every criticism, there is a grain of truth. Agree only with what is true. Admit your own mistake.

#### Negative asking

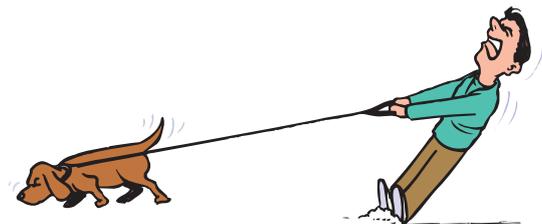
Ask for more details, which may obstruct the other party.



There are, of course, many **more** assertive techniques. They may be mastered in the **courses** of assertiveness.

# Persuasion

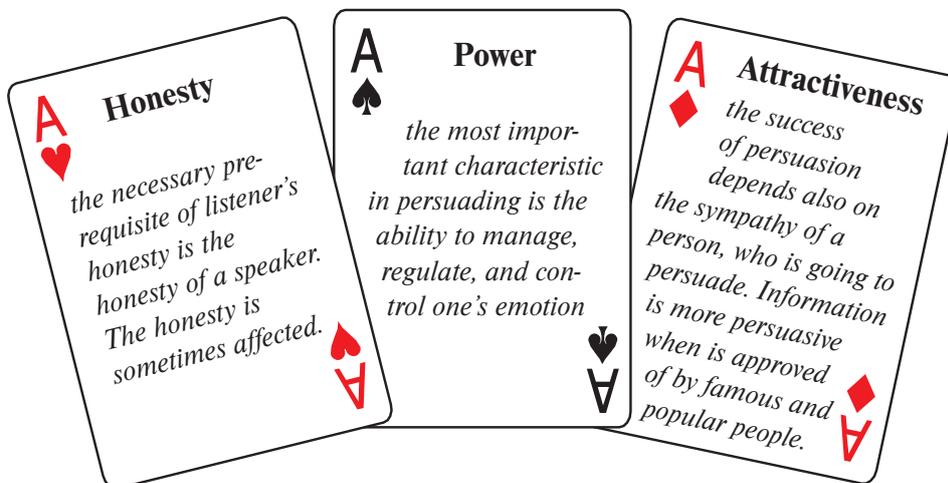
is the art (**social skill**), which employees' representative should also know. For achieving a goal, it is often necessary to use the ability of persuading the others, **to gain them over**. An employees' representative must persuade not only the management, but often also **his colleagues**, whom he represents.



However, persuasion is **not a fight** of two rivals. The goal of persuasion is **not to win**. Because winning of one usually determines the failure of the other. And the failure is a prerequisite for **good future co-operation**.



## Three master cards for successful persuasion:



## Simple formulations for everyday practice

- ❖ I would like to thank you for a number of new experiences
- ❖ besides all, you have told...
- ❖ on the contrary, it is necessary to think over, whether...
- ❖ if we compare both opinions...
- ❖ for this reason I suggest...
- ❖ usually, we see things ...
- ❖ however, following our experience...
- ❖ because, first of all...
- ❖ and thus...
- ❖ I think that your proposal is dangerous...
- ❖ we must think over, whether...
- ❖ I think it would be better to thus we could also...
- ❖ we must decide whether
- ❖ we talk long enough about...
- ❖ so far, all concerned...
- ❖ thus, we have omitted that...
- ❖ I find just this so important, because
- ❖ I suggest to...



Do you feel you have mastered communication, assertiveness, negotiating, and persuasion...? Life at a working place brings other problems. You will need another skill - ability.

## Solving the conflicts

Every day brings many conflicts not only at a working place, but also outside of it. In the course of performing his/her job, an employees' representative may find him/herself in a conflict with an organization's management, or with **colleagues**, whom he/she represents. An employees' representative finds him/herself in conflicting situations **more often than other employees do**. He/she is as if between two rocks - employees and an employer.



An employees' representative may find him/herself in a conflict not only as a participant, but sometimes also as an **observer** or even **judge**, or **parliamentarian**. If there is a conflict between an employee and a manager, an employees' representative acts as a mediator - peace element. He/she usually has to back up his/her colleagues, apply the ability to solve conflicts. If there is a conflict between employees at a working place, it is often an employees' representative, who shall attempt to settle the conflict.

How to manage these tasks? The first step is to find out **the cause of the conflict**. This is usually in the following **sources**:

- ❖ **Basic needs** - dissatisfaction of requirements
- ❖ **Different values** - which we respect (e.g. religion attitude)
- ❖ **Different perception** - different opinion of something
- ❖ **Different interests** - preferring various priorities
- ❖ **Limited sources** - limited amount of "something"
- ❖ **Psychological needs** - repudiation, un-acceptance.

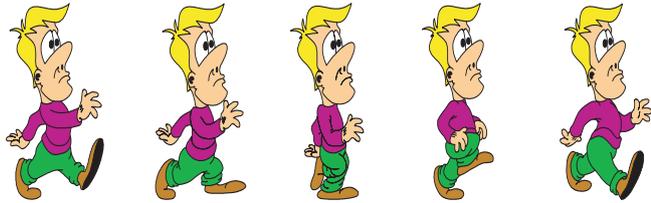
For solving the conflicts, you will use skills and abilities listed in this guidebook:

- ⇒ **the ability to listen,**
- ⇒ **the ability to observe,**
- ⇒ **the ability to analyze attitudes,**
- ⇒ **the ability to feel,**
- ⇒ **the ability to communicate wisely,**
- ⇒ **the ability to negotiate.**



## Five steps of solving a conflict:

1. to realize a conflict
2. our emotions
3. what we want
4. our ideas
5. solution



*Do not take solving conflicts personally; do not let yourself be part of it.*

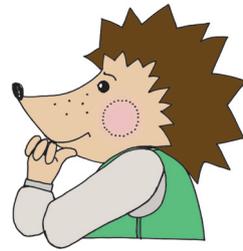
*Be positive about conflicts.*

## Do conflicts have a positive side?

**They do.** A conflict is often a **motivation** for solutions, or finding new things. It brings new approach to the actual condition.

### Conflicts may help you to:

- ✓ discover new approach to the problem
- ✓ solve the hidden problems
- ✓ improve a long-term communication with those people
- ✓ increase own potential and show one's abilities
- ✓ improve the lust for life
- ✓ give vent to emotions
- ✓ improve relationships



The healthy range of conflicts, which we have managed to control (and self-control) is something, what we may call the demanded motive power of human relations at a working place.

## Attitudes

Mastering the techniques of social skills **forms our attitudes**. It can be deduced from reactions and attitudes of a person, whether s/he is **successful**, or **unsuccessful**, whether s/he belongs to winners or losers:

### The winner says

1. Let's have a look at it.
2. I am glad.
3. Yes, No. (I don't know.)
4. I will find some time for it.
5. I am sorry, I have not expressed myself clearly.
6. I made a mistake, I will retrieve that.
7. We seem to have different opinions on it.
8. I am good, I can be even better.
9. Tell me...
10. This man can teach me a lot.
11. There must be a better way.

### The loser says

1. No one knows anything about it.
2. It makes me angry.
3. Well...ok. Maybe...but...
4. Can you wait until I have some time for it?
5. You have not understood me.
6. It's not my fault.
7. I have the right to own opinion, don't I?
8. I am not as bad as many others.
9. As I often say...
10. He thinks he is the most clever man in the world.
11. We have always done it this way.



# The satisfactory working conditions are, when ...

Do you remember what rights are employees conferred by the **Constitution** of the Slovak Republic? One of them is the **right of the satisfactory working conditions**.

What characterizes the satisfactory working conditions?

## Physical comfort

- ✓ adequate physical burden,
- ✓ exclusion of harmful factors,
- ✓ good microclimatic conditions,
- ✓ observed principles of ergonomics,
- ✓ sanitary equipment of working places;



## Social comfort

- ✓ respected social rights,
- ✓ correct industrial relations,
- ✓ observed safety at a working place,
- ✓ health care,
- ✓ just rewarding;

## Psychical comfort

- ✓ adequate psychical burden, work tempo,
- ✓ exclusion of stresses,
- ✓ clear relations, organizational structure, work load (everyone knows what to do),
- ✓ good human relations at a working place,
- ✓ atmosphere of collegiality, trust, and responsibility.



## Health

Health protection is, of course, an integral part of an employer's care of employees. But what is health? Does this question seem easy for you?

Act on people's health (no. 272/1994 Coll.) defines that *health is not only an absence of disease, but also a situation of total physical, psychical, and social comfort. Health is a result of relations between human organism and socio-economic, physical, chemical, and biological factors of an environment, working environment, and way of life.*

This approach opens a new look at health for us.

**If people are not ill, it does not mean they are healthy!**

Health protection at work means **active** creation of the satisfactory working conditions and working relations. It means developing the **culture of work**.

## Stress at a working place

Working in stress and discomfort causes large psychical burden, nervousness, and psychical traumas and may lead to **injuries of psychical health**.

Working in stress and discomfort often leads to inattention and restlessness, what may result in **an accident at work**. In analyses and identifying the causes of accidents, these contingencies remain often **hidden** and thus it is impossible to take measures, which correspond to the actual cause of breaching the safety principles.

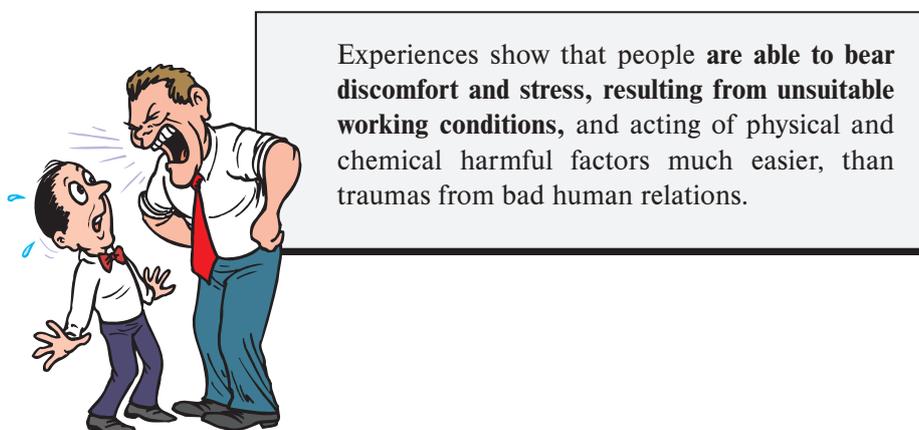
Stress at a working place results from the effects of unfavorable factors of working environment (e.g. noise, chemical gases, vibrations), over or single burden (manipulation with heavy burdens, stereotype, risk exposure, screens), unsatisfactory microclimatic conditions (e.g. scuttle, bad lighting, temperature), and sanitary conditions (dressing-rooms, sanitary equipment, dirt) create a sense of physical, but also psychical discomfort, **stress**, which people are often **unaware** of. They do not know that this is the reason of their slackness, low performance, and restlessness and wrong relation to work.

One of the stress factors, which is little talked about, but it considerably influences psychical comfort, is:

## Human relations at a working place

Bad human relations create for the interested often unbearable **traumatic stresses**, which contribute to remarkable decrease in **working performance, quality of work**, to inattention leading to **accidents**, and in not a single case they are the main reason for termination of employment by an employee. Bad human relations are often the reason for bad relation to work. For these reasons people often feel unwillingness to work.

Stress starts to manifest at the end of a weekend, when thinking that they must go to work the next day. Such stress is often manifested not only by psychical discomfort, but has also physiological manifestations – hands sweating, stomach shaking, unwillingness to eat, headaches, reddening of skin etc.



Experiences show that people **are able to bear discomfort and stress, resulting from unsuitable working conditions**, and acting of physical and chemical harmful factors much easier, than traumas from bad human relations.

It is also a considerable economic motivation for employers, because discomfort and stress may decrease working performances by 30 to 50%. It reduces also working initiative.

Bad human relations must **be considered a serious harmful factor of working environment**, which must be removed, eliminated.

Human anger, envy, intolerance, snobbery, machinations, and other **negative attitudes** often contribute to bad human relations. But these are often natural reactions resulting from **human psyche**, such as “the submarine effect”, generation problem, or pure unsympathetic, or aversion. It often happens that people working permanently together “get on their nerves”, that they are gradually annoyed by behavior and habits of their colleagues.

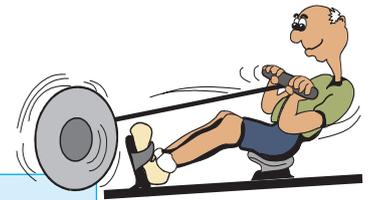
These experiences show that it is necessary to mention these manifestations of human psyche and coexistence, that education toward correct communication, assertiveness, and **techniques of controlling the psychical stresses** is important also at working places. Because the main reasons for bad human relations are basically **wrong communication, inability to control own psyche in a team, and low culture of human relations**. It is necessary to create systematically conditions for improving the human relations and consistently avoid manifestations of unsuitable behavior or mobbing.

Bad human relations between superiors and inferiors act more often and more traumatically. Many superior **managerial staff do not know how to conduct suitably towards their inferiors**. They sometimes consciously oppress them, mob them, - sometimes it is a pure inability to approach people in a correct way. Wrong and insensitive approach to people by a manager provokes inferior’s counteraction – behavior of ignorance, apathy, and negative attitudes. This, as a feedback, acts in an irritating way on a superior and his wrong reactions are increasing. Thus, all work in stress and psychical pressure, and it is very difficult to get rid of.

To have **the right approach to people is a great art, which every manager should master**. Creating good atmosphere at a working place is the basis for successful management, achievement of good working results. **Good human relations are also a manifestation of the company’s culture**.



# Training produces a master



There is really much of it what the employees' representative should master:

- ➔ **knowledge** of industrial regulations, safety principles and health protection at work, reparation of accidents and occupational diseases, basis of psychology, sociology, sanitary, and many other fields,
- ➔ **skills** of reviewing the risks, communication, assertiveness, negotiating, behaviour, solving conflicts, and other social skills,
- ➔ **attitudes** to meeting obligations, company policy and culture, colleagues, company management, the right approach to enforcing safety and health protection at work;

The experiences acquired in the employees' representative job do not relate only to working life; they develop all your personality – also for activities and relations outside work – and will manifest also in your personal life. It is possible to develop oneself by everyday training. Exercising outside work is more suitable, because a person is not busy with occupational obligations.

Trainings for improving the skills may be a nice amusement, an interesting game for you. Have a try:

## Training 1:

### ASSERTIVE BEHAVIOUR

If you buy a pair of shoes or another sort of goods and you will realise at home that the product has got a little defect, or it simply does not suit you, go back to the shop and by means of the assertive technique of “the back-number record”, return the product. try to enforce them to return you money for the product. Do not forget that you cannot be aggressive or manipulative. Evaluate your attempt, how many times you were successful. And whether the degree of success is increasing.

## Training 2:

### BODY LANGUAGE

It happens that you are waiting for a bus or a train at a station. You can spend your time of waiting by watching people around you. Their gestures, postures, movements, faces, non-verbal discourses... Try to guess by means of these manifestations what they are talking about, what are they expressing outside, what they are expressing inside, what is the relation between them, etc. If you have an opportunity to check your opinion, do it. In watching familiar people, you have an opportunity to check what they were talking about.

**Training 3:**

**COMMUNICATION**

Try techniques of communication in informal conversations and watch their influence on the content, course, and result of the conversation.

- consciously use open (or closed) questions
- intentionally listen more and let your partner talk more (next time enforce your monologue)
- note, whether you repeat often some words in your sentences
- test an influence of personal zones – distances between partners in conversation with close friends. How does it affect you, when you are talking to someone at the distance of 30 cm.

**Training 4:**

**HUMAN RELATIONS**

Watch behaviors of people at a working place as well as outside it and based on them, try to characterize the level of human relations. Try to guess, whether unawareness of behavior or bad attributes is the causes of wrong manifestations. Discuss your findings with your colleagues and managerial staff.

**Training 5:**

**PERCEPTION OF RISKS**

If you are watching film alone, try to guess what people do in a dangerous way, how things are arranged, what could cause an accident. You can do this also in real life.

Perhaps you will think out other games and exercises.

## And in conclusion ...

The scope of this guidebook is limited. The authors have attempted to provide you with at least basic orientation in problems, which you will meet in your job as an employees' representative. Take an opportunity to complete your knowledge and gain new skills at trainings and courses.

If you will not succeed in enforcing your intentions at first, do not give up. Let an every little step forward motivate you. The post of the employees' representatives can be occupied only by stable, open, self-confident, and dedicated people as you.



*The guidebook gives you the instructions...  
...you have to pave the way alone.*

*We keep our fingers crossed!*

