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Bullying and Harassment landmark judgement

A significant cause of stress and ill health at work is bullying and harassment. A very recent House of Lords decision in the case of an NHS policy worker established that the Protection from Harassment Act does apply to workplace bullying and harassment thus potentially giving more protection to staff. You can read our press release <http://www.ucu.org.uk/index.cfm?articleid=1762> and more advice will be issued once the full implications of the case become clear.

Fire regulations day of action checklist

Last month's UCU Health and Safety News carried details of the important new Fire Regulations which come into force on 1 October. We now attach a UCU health and safety reps checklist

http://www.ucu.org.uk/media/pdf/a/2/ucu_firecheck_1.pdf or

http://www.ucu.org.uk/media/docs/5/3/ucu_firecheck_1.doc

This is an important opportunity for health and safety reps to make their mark locally.

Don't lose your cool



High temperatures present a not insignificant risk to the health of the workers, particularly through heat stress. Heat stress effects include dehydration, headaches, dizziness and exhaustion. People are unable to concentrate properly, and often the actual physical conditions become extremely unpleasant and uncomfortable. People react differently, so some of us can put up with what others find intolerable, but that is not an excuse for employers to do nothing. Our aim should be to ensure that everyone feels comfortable.

Workplace temperature and ventilation are often closely linked, and lack of effective ventilation is frequently a major factor in extreme workplace temperatures. The employer has a legal duty to ensure a reasonable temperature and provide adequate ventilation, and should provide thermometers in the workplace to take temperature readings. You need to make sure that temperature measurements include the use of a wet and dry bulb thermometer, which measures the relative humidity. If it's very humid, sweat cannot evaporate, and this will contribute to heat stress and general discomfort.

The Health & Safety at Work Act 1974 general duty requires the employer to provide a working environment that is safe and without risks to health. Specific law regarding ventilation and temperature is the Workplace Health, Safety & Welfare Regulations, Regulations 6 (Ventilation) and 7 (Temperature), along with additional advice in the Approved Code of Practice (ACoP) and Guidance. The legal requirement is to maintain a reasonable temperature in the workplace. The Approved Code of Practice quotes 16° Celsius (60°F) as a minimum, but does not quote a similar figure for an upper temperature. For upper temperatures, the World Health Organisation recommends 24° Celsius as a maximum in which people should work.

Paragraphs 46-48 of the Workplace Health, Safety and Welfare Regs Code of Practice outline what the employer needs to do to maintain a reasonable temperature.

http://www.ucu.org.uk/media/pdf/q/h/temperature_workplaceacop_1.pdf The current guidance from the Health & Safety Executive (HSE) is in their publication HSG 194: "Thermal Comfort in the Workplace". http://www.ucu.org.uk/media/pdf/6/f/HSG194_-_Thermal_Comfort.pdf

For more information about general ventilation, see the HSE guide to effective ventilation in the workplace (HSG202) http://www.ucu.org.uk/media/pdf/f/g/HSG202_-_Ventilation.pdf

The HSE recommends that thermal comfort be included in the health & safety risk assessment and people should be asked for their opinion as part of the risk assessment process. It would be worth checking the risk assessment, to see that it has been done properly, and that reference has been made to the hazards of working in extremes of temperature. The general problem with this area is that the legal regulation is not specific or prescriptive; it leaves a number of questions open for discussion between the employer and workers, (for example, how you define "reasonable temperature") and this can cause problems and argument. What is clear is that your employer should make every effort to bring the room temperature down, and some decent ventilation would help a lot in this. Small portable air conditioning units are now available at reasonable prices (around £250 or so) – the ones for domestic use are suitable for floor areas of around 30 square metres. Measures like fans, regular breaks, staff rotation and cool drinks are not the "resolve the problem at source" answer, and should only be used as final measures after taking other steps to solve the problem at source. However, they can provide some relief in the short term. Some permanent solutions may require action to be taken over a longer period of time.

If you feel that you are getting nowhere, and your employer isn't doing anything to improve conditions and resolve the problem, you can consider contacting the enforcement agency responsible for your workplace. UCU would always recommend that reps openly approach the employer with a suggestion that "We jointly seek the advice of the Inspector responsible for our workplace" - in writing. If they refuse, we can remind them of our right to approach the inspector independently. If we do this, we can demonstrate that we have tried to behave reasonably, and it's the employer who won't cooperate. This will help put us in a good light should we ever need to contact the Inspector.

If you are a UCU rep for members working on another employer's premises – say a college lecturer delivering in a prison, workplace learning centre or a community centre - then the employer in whose premises you are working also has duties to ensure your health & safety under Section 3 of the Health & Safety at Work Act. Your employer should also be co-operating with the third party employer to ensure your health & safety, under the Management of Health & Safety at Work Regulations 1999. If you are having problems your employer should be taking this up with the premises owner or controller on your behalf as well.

Safety reps courses

UCU's health and safety courses for the autumn are now recruiting. Full details can be found at <http://www.natfhe.org.uk/?id=tool0001> together with details of how to join.

(Almost) new safety reps booklet – one to read

An excellent handbook for safety reps setting out the outline of health and safety law, the rights of safety reps and safety committees, and a good introductory guide to the gains won by health and safety reps was published by the Labour Research Department in November 2005.

The booklet entitled **Safety Reps in Action** is only £5.70 and is a must for all health and safety reps. Please ensure your branch or Local association buys you a copy. Details from www.lrd.org.uk

DVT risk with intensive desk work

"People are definitely not aware of the risks of DVT" said an IT professional who collapsed with deep vein thrombosis after an eight-hour shift at home.

"I had absolutely no warning symptoms and I had no idea there was anything wrong at all," he said.

"I was sat at my desk and suddenly I was hit with the most excruciating pain in my lower back, I collapsed at the desk with my head on the keyboard, the pain was just so severe."

A clot, which had formed in his leg, moved to his lung causing excruciating pain and leaving him coughing up blood.

The pulmonary embolism, caused by part of the clot breaking off and travelling to his lung, was diagnosed after he went for a scan.

Employers should be warning relevant staff of this risk. Already, according to HSE guidance, employers should be training workers in the safe operation of VDUs, including taking regular breaks from intensive work, to help prevent musculo-skeletal injuries and eye problems. However, this case shows that, added to this, there can also be a risk of DVT.

Passengers on long-haul flights are advised to do stretching exercises. Workers on long-haul desk work also need similar advice. The risk to clerical staff is clear. However, teachers and researchers can also find themselves working long stints on a VDU, usually to a deadline, and most will not be aware they are at risk of DVT.

This IT worker is lucky to be alive, as DVT can be fatal, making it even more important to prevent.

Shortcut to:

<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/england/bristol/4753833.stm>

European health and safety week

This years European H&S Week is right up our street. It will focus on Young Workers. The week will run from 23rd October. The 25th will be National Inspection Day. It is supported by the TUC and the HSE.

It would be good to see our Branches and Association making some effort to organise a college-based activity during the week - UCU members are ideally placed to introduce young people to work-related health & safety issues across the board - not just in "traditional H&S" areas like engineering, but more general issues about the working environment like stress, bullying, the management of health & safety, trade union involvement, etc. It's also a great chance to raise the UCU profile with members and with students, and perhaps even start to make some positive impact on relations with the employers, where these are not so good.

Let us know if you or your institution do organise anything - but please check the Agency website. It's also useful to check the HSE website as well, as they always strongly promote Euro Week activities - usually by preparing packs of materials and giving prestigious prizes for activities. You will find more information in the next issue of H&S News.

The HSE will be producing a pack for the week. This will mainly be materials from the European Agency in Bilbao. A copy will be sent to each UHSS member. IOSH are also producing a web site and training resources. The TUC plans to produce a leaflet for safety representatives on young workers. This will be available in bulk for affiliated unions. These should be available in late August. We will also produce a website for young workers.

European Agency materials for young people can be found at:

http://europe.osha.eu.int/priority_groups/young_people

Hazards 2006 – the 17 national Hazards Conference

University of Manchester 14 – 16 July 2006

Hazards Conference is aimed at active workplace safety reps, and is the biggest annual grass roots event for trade union activists. Hazards Conference is a mixture of debates, meetings, plenary sessions and workshops, with time for delegates to meet informally, network and share and compare experience.

556 delegates registered for Hazards 2006 – including 13 UCU delegates, one member of the Health & Safety Commission, lots of trade union H&S specialists, Hazards campaigners, but most important of all, active workplace safety representatives. 32 organisations had stalls in the exhibition area.

This year's theme was the development of strategies for healthy workplaces, and our keynote speaker was Cathy Walker, Director of Occupational Health at the Canadian Autoworkers Union. Cathy's speech about what Canadian workers had achieved in the face of a hostile Government and the strategy they adopted was inspirational, and her gentle weaving of issues related to globalisation gave insight into the

real politics of capital and workers health & safety. Our other international guest was Alfred Angula, General Secretary of the Namibian Farmworkers Union. Farmworkers in Namibia are some of the poorest workers in the world, their conditions of employment and safety & health are often appalling, and many are thrown off the farm at the owner's whim, without shelter, food or recompense. Apartheid still lives on many Namibian farms, while Europeans enjoy exported Namibian flowers and fruit. Alfred's contribution brought home to Hazards Conference what this means.

We presented this year's 'Alan' award to the 'Save Spodden Valley' campaign – an organisation campaigning against proposals by a large property developer to use the asbestos-contaminated Turner & Newall factory site in Rochdale for housing. The 'Alan' is named after the late Alan JP Dalton, a man who was constantly a thorn in the side of government, capital and anyone else whose actions threatened the health, safety or environment of workers. It was presented by Alan's partner Eve Barker, herself a founder member of Hazards and the campaign.

Lord Hunt, the Under-Secretary of State in the DWP came on Saturday morning – he had insisted on having a full session, but at the last minute discovered he had to leave by 10.30. Our intention was to make him acutely aware of the reality of unsafe and unhealthy work and how it affected people, and how in a democratic society, how people trying to raise issues and improve conditions are regularly thwarted and victimised. He heard short case histories from a number of people whose lives had been affected, including the widow of a man who died of mesothelioma resulting from exposure to asbestos; a woman whose son was killed in a fireball explosion when demolishing a chemical plant chimney; a civil servant who was bullied by her manager to the point of suicide; a victimised construction worker sacked for trying to raise health & safety problems; and a university employee who has been consistently obstructed by management in her efforts to undertake safety rep activities on behalf of her members. We just wanted to know what the government he is a member of intends to do about these matters, because after 9 years in office very little has happened. Needless to say, we didn't get any real answers, but at least he was willing to come.

Families Against Corporate Killers (FACK) was launched at a photo-call. FACK intends to be a pressure group representing all those who have had family members killed at work, and will work alongside other campaigning groups to fight for improved standards and accountability to make work safer. Lord Hunt has already agreed to a meeting. Its web site is at www.fack.org.uk.



The excellent Hazards magazine web suite is at www.hazards.org

Nanotechnology

According to the HSE, there are about 2,400 researchers in the UK in universities and research institutions currently exposed to potentially very toxic nanoparticles (think Star Trek). This will grow with increasing use of different applications. Some of them are UCU members.

Substances, when reduced to such tiny particles, have amazing qualities which are totally different to other substances. Substances can now also be produced from scratch on this tiny level, which have no connection with other known substances. This makes them very interesting (and potentially lucrative to industry); and universities have a range of contracts researching their practical application. Their very difference also makes them unpredictable as to their toxic effects which are almost totally unknown, though what is known and what can be surmised is that most or even all of them are liable to be very toxic in the nanoparticle or nanotube form, so there needs to be due consideration about safe systems of work. The HSE warns people to "take a precautionary approach in their usage, though don't really spell out what that means in any detail.

A Hazards magazine article on the subject looking at some of these issues is at

<http://www.hazards.org/nanotech/safety.htm>

UCU has no policy on the health and safety issues these developments may raise but the occasion of a Government nanotechnology policy review could be an opportunity to develop one.

The Council for Science and Technology (CST) has been asked by Government to review progress of its commitments on nanotechnology policy, and today issued an invitation for written evidence.

The review will cover the Government's actions in the two years since their response to the Royal Society/Royal Academy of Engineering report "Nanoscience and nanotechnologies: opportunities and uncertainties".

The review will be led by Professor Sir John Beringer, who said:

"How the Government is handling issues of nanotechnology and nanoscience will influence the UK's competitiveness in this rapidly growing field, and the public's confidence in Government science policy. We will be taking a close look at what the Government has done, whether it has responded quickly enough, and how well prepared it is for new developments in nanotechnology."

The Call for Evidence is available from the review's website

<http://www.cst.gov.uk/cst/business/nanoreview.shtml>><http://www.cst.gov.uk/cst/business/nanoreview.shtml>

If you are interested or know any scientist colleagues who would be, please contact Linda Ball in the first instance at lbball@ucu.org.uk We will also be approaching Amicus trade union to see if they might be interested in a joint approach

UCU HEALTH AND SAFETY ADVICE LINE

UCU has set up a Health and safety Advice Line for safety reps and branch officers offering information about health and safety legal standards, and how they can be applied and advice on dealing with health and safety issues/problems.

The Health and Safety Advice Line is for branch officers and safety reps only, not for individual members. The advice line will be staffed on Fridays only. When you phone the advice line you will be asked to leave a message. You will then be contacted on the nearest Friday unless your query is urgent.

The **advice line number** is **0161 636 7558**

Email healthandsafety@ucu.org.uk

Or by post to:

John Bamford

UCU Health and Safety Advice Line
Greater Manchester Hazards Centre
Unit 2.5 Windrush Millennium Centre
70 Alexandra Road
Manchester M16 7WD

UCU's health and safety team

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- Linda Ball
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