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Interactive whiteboards

A recent BBC report has highlighted concerns from a whistleblower from the whiteboard industry that schools and colleges have only just begun to address the safety concerns they present - notably the potential threat to the eyesight of teachers and children.

The BBC (<http://news.bbc.co.uk/1/hi/education/6253410.stm>) reports that documents from the Health and Safety Executive, obtained by the BBC under the Freedom of Information Act, say users **should make sure that direct beam viewing of the optical output from this equipment is both controlled and restricted to no more than a few tens of seconds at a time**.

They say the 'eye aversion response' - the dazzle effect - will be so strong that most people would not be able to view the beam for that long. But it is possible a viewer's peripheral retina could be overexposed even when they are not actually staring directly into the beam.

1n such instances, no protective aversion response is evoked in viewers and so they won't know that they could be overexposing their eyes.'

Companies supplying the equipment are told to ensure that people are encouraged to keep their backs to the projector beam, and not to stare at it. Those entering it, while facing the audience, should do so **for no more than a few seconds**.

A letter from the British Educational Communications and Technology Agency (Becta) admits that only a third of whiteboards have health and safety notices on them and says that its 'current health and safety information does not address projectors'.

A letter from the HSE in May 2006 says it is 'concerned that users of such equipment can be at risk from UV radiation emitted by the projector if they look at the projector beam for too long or if the filters are faulty or incorrect'.

Minutes of a meeting in June last year of the Department for Education and Skills say 'schools may be using projectors at higher than agreed 1500 Lumens due to too much ambient light. Schools are buying projectors which could potentially be damaging to eyesight.'

UCU action - We strongly advise safety reps that whilst the scale of the risk is not clear, there should be agreement with institutions that all such whiteboards should have clear warning notices on them which are drawn to staff attention.

So far as is reasonably practicable - outcome of legal challenge in Europe

The European Court of Justice (*ECJ Case C127-05 European Commission v United Kingdom*) has upheld one of the key elements of British health and safety law – the use of the key phrase 'so far as is reasonably practicable' (SFAIRP) in the Health & Safety at Work Act.

The EC's complaint was based upon section 2(1) of the Health and Safety at Work etc. Act 1974 which states that it shall be the duty of every employer to ensure 'so far as is reasonable practicable' (SFAIRP) the health, safety and welfare at work of all his employees. The EC considered the SFAIRP qualification placed upon the employers' duty is incompatible with Articles 5(1) and 5(4) of the Directive.

The UK did not accept that it has failed to properly implement the Framework Directive. The UK believes that the wording of s2 (1) of the HSWA, as interpreted by the UK courts, achieves the aims of the article. The 'so far as reasonably practicable' wording has been a long standing feature of English law and predates even the Health and Safety at Work etc. Act 1974 (HSWA). It introduces flexibility into the law and contrasts with some other Member State legal systems where the law is written in absolute terms but courts can apply flexibility and proportionality in their judgements.

For more information go to: <http://www.hse.gov.uk/press/2007/c07007.htm>

UCU comment - SFAIRP has a precise legal meaning arising from *Edwards v National Coal Board 1949* which means a judgement has to be made about the risks that are identified, and the cost in time, money and effort needed to overcome them. The cost of controlling a risk cannot be grossly disproportionate to the expected benefits. It does *not* depend on whether or not the employer can afford the cost. The onus is on the employer to show that to go any further with risk control measures would incur costs that are disproportionate to the benefit gained.

Employers Liability Compulsory Insurance (ELCI) regulations consultation

The Department of Work and Pensions has conducted a review of ELCI to seek to remove any 'administrative burdens'. This is because the department has to meet a reduction in such burdens of 25% and given the very few administrative burdens that were identified within the DWP this exercise will meet their targets. The DWP are consulting on two recommendations:

- to repeal regulation 4 which requires the retention of certificates for 40 years
- to amend the requirement to display the certificate to allow it to be displayed in other ways such as electronically.

The consultation document fails to take account of the possible effect that these changes will have on claimants yet claims that the '*burden on business*' of having to display and keep the ELCI policy certificates is £71 million.

The TUC is strongly opposed to both these proposals and is seeking examples of where the proposed changes would have made a significant difference. This can include where a union representative has brought to the attention of where an employers ELCI is out of date, or where a claim has been successful because of historical records.

The Employers Liability Compulsory Insurance regulations require your employer to display copies of their certificate of compulsory liability insurance in the workplace, and to keep the certificates for a period of 40 years after they expire - the same period that they are required to keep, for example, a record of workers who have been exposed to asbestos dust or fibres in the workplace. Where this has happened, the latency period of some asbestos-related disease development means that victims often make a claim for something that happened many years previously, and past insurance records have helped many victims claim compensation.

If anyone has any experience of problems with ELCI and the display of the certificate of insurance, please forward them to John Bamford who will include them in the UCU response to this consultation. The consultation can be found at:

www.dwp.gov.uk/publications/dwp/2007/ELCI-consultation-document.pdf.

Asbestos issues rumble on (1)

On 15 May the HSE warned local authorities, schools and contractors about the risks from asbestos. This followed Derby City Council being fined £50,000 and ordered to pay costs of £20,000 after pleading guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 (HSW) Act and a contractor being fined £5,000 after pleading guilty to breaching Regulation 9(1) and Regulation 15 of the Control of Asbestos at Work Regulations 2002. CAW Regulations

Samantha Peace, HSE Principal Inspector of Construction Wales, Midlands and South West said, 'Asbestos can be a killer if disturbed, but if contained and well managed poses no health risk. This is why it is vital that proper records are kept, showing where asbestos may be found and

the condition of these materials. This information must be given to anyone who is likely to disturb it'.

UCU comment - More information about controlling exposure to Asbestos and information on the regulations can be found at <http://www.hse.gov.uk/asbestos> or in the excellent Labour Research Department booklet *Tackling asbestos at work*. You can get a free copy of this from Sharon Russell at srussell@ucu.org.uk.



Asbestos issues rumble on (2)

UCU members at Essex University have successfully lobbied for the safe removal of asbestos on campus. One UCU safety rep from Essex told us:

'As for asbestos we no longer have a problem here because – thanks to strong and prolonged pressure from (as was) AUT, (as was) Amicus and Unison we managed to get a sensible and strictly enforced policy (and the rapid departure of a senior manager and his replacement with someone committed to safety. The campaign included threats of legal action from Amicus when one of their members (one of the most popular people in the university) was exposed to asbestos. A visit to the registrar by the two senior safety reps ensued and firm action was taken'.

Asbestos issues rumble on (3)

Solicitors Thompsons have launched a campaign for equality of bereavement awards to highlight the differences between the treatment of asbestos victims in England and Wales – compared with Scotland. In particular, in England Wales:

- Families affected by mesothelioma receive substantially less compensation than families in Scotland
- Only the spouse of the deceased in England and Wales can claim bereavement compensation whereas in Scotland awards are also made to siblings, children and other immediate family members
- The bereavement award is fixed at £10,000 in England and Wales whereas in Scotland it is £30,000 with other family members also entitled to compensation.

UCU comment - An EDM (1315) in support has been launched and more details including an on line petition can be found at www.thompsons.law.co.uk/justice-for-asbestos-families.htm we urge UCU members to support it.

Stress survey in FE: initial results

UCU has been asking FE college branches whether their college has a stress policy. There is a nationally agreed policy with the Association of Colleges available at

http://www.ucu.org.uk/media/docs/4/4/feagrstr_1.doc.

Of those responding 55 colleges (almost half) already have a regular policy on stress. By adding the 4 who have something else which includes stress and the 9 who say the college is in the process of establishing a policy, that is almost 60% of colleges.

Unfortunately, where a survey reveals high levels of stress - only a small minority of respondents reported positive action by the college management. The one thing that most colleges have provided is access to counselling - 45 out of the 55 colleges where there was a stress policy also had this. So the evidence suggests that colleges are still at the stage of secondary interventions - i.e. dealing with the results of exposure to stress at work, rather than primary interventions aimed at removing the causes.

UCU will publish a fuller report on this when we have a more detailed analysis.

UCU comment - We plan further extensive activity on stress later this year – details to follow in early September.

TUC tuberculosis fact sheet

This fact sheet contains information for safety representatives on TB, advice on issues they may face and sources of further information. Education is one of the sectors where, given the concentration of, TB can pose a risk. More at www.tuc.org.uk/h_and_s/tuc-13380-f0.cfm.

Pandemic flu - TUC advice

The TUC has produced advice for unions about pandemic influenza. Please go to: www.tuc.org.uk/h_and_s/tuc-13401-f0.cfm or to www.tuc.org.uk/extras/fluguidance.pdf

The DfES guidance for schools and colleges issued in December 2006 is at www.teachernet.gov.uk/emergencies/planning/flupandemic/, and specific advice for colleges is at www.teachernet.gov.uk/_doc/10715/PandemicFluPlanningChecklistForColleges.rtf

TUC booklet on safety and migrant workers

This useful booklet has now been issued and is available on the excellent TUC health and safety web page at www.tuc.org.uk/migrantworkers. This will be useful to UCU safety reps and also to ESOL tutors.

HSE booklet on preventing slips and trips at work

This useful document is now available from the HSE and can be found on their website at <http://www.hse.gov.uk/pubns/indg225.pdf>. The HSE website has a catalogue of informative publications most of which are free to download. A visit to their website (if you haven't already) is highly recommended.

UCU health and safety training – keeping the workplace safe

UCU run a series of health and safety courses which are open to all members but in particular new health and safety reps and those who are interested in becoming a health and safety rep.

We are currently in the middle of running the UCU H&S stage 1 course which consists of the following 5 x two day modules;

- Health and Safety Induction
- Understanding Health and Safety Law
- Using your rights as H&S rep
- Dealing with Accidents & Tackling Hazards
- Trade Union Action to Tackle Stress

Modules 2-5 should only be attended by those who have completed the health & safety induction course.

We are planning to run one day health and safety workshops regionally focusing particularly on stress. Check with your regional office for further details.

All the above courses are available both regionally and nationally. For further information, dates and venues please contact Linda Ball at lball@ucu.org.uk.

Travel expenses are reimbursed against claims made. Lunch and light refreshments are provided by UCU.

UCU health and safety advice line

UCU's health and safety advice line for safety reps and branch officers offers 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 two days a week only. When you phone the advice line you will be asked to leave a message. You will then be contacted as soon as possible.

The advice line number is 0161 636 7558

Email healthandsafety@ucu.org.uk

Or 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

The UCU web health and safety resource centre

Several new fact sheets are now at www.ucu.org.uk/hsfacts.