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Increased penalties for rogue employers

New legislation, the Health and Safety Offences Act 2008, which will increase penalties and provide courts with greater sentencing powers for those who flout health and safety legislation received the Royal Assent on 16 October 2008 and will come into force in three months time, in January 2009.

The Act amends Section 33 of the Health and Safety at Work etc Act 1974, and raises the maximum penalties available to magistrate's courts where an employer is convicted of a breach of health and safety law. The maximum fine is raised from £5,000 to £20,000 and the range of offences for which an individual can be imprisoned has also been broadened. So jail sentences for particularly blameworthy health and safety offences committed by individuals can now be imposed, reflecting the severity of such crimes.

DWP Minister Lord McKenzie of Luton said it has been generally accepted for some time that the level of fines for some health and safety offences was too low. These changes will ensure that sentences can now be more easily set at a level to deter those employers who don't take their health and safety management responsibilities seriously. They will further encourage employers and others to comply with the law.

Details at <http://services.parliament.uk/bills/2007-08/healthandsafetyoffences.html>

HSE issues new guidance for safety reps

The guidance in the old "**Brown Book**" is dead. Following consultation with trade unions and others, the HSE has revised the guidance to the Safety Representatives & Safety Committees Regulations 1977. Launched on 14 October, the new publication also

contains the 1996 Consultation with Employees Regulations – those that require employers who do not recognise a trade union to consult with their employees.

It's important to note that the Regulations have NOT changed, neither have the Codes of Practice, ONLY the guidance. The duties imposed on employers by the Regulations remain the same, and safety reps functions have not been changed

Consulting your workforce on health and safety. Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended).

Approved Code of Practice and guidance L146 HSE Books ISBN 978 0 7176 6311 8
The new booklet costs £13.95 from HSE Books; ask your employer to provide a copy, as it is a facility and assistance you reasonably require to undertake your safety rep functions.

The HSE also published new guidance for employers at the same time: Involving your workforce in health and safety: Good practice for all workplaces HSG263 . HSE Books 2008 ISBN 978 0 7176 6227 2. Price £10.95 – ask your employer for a copy of this as well.

New leaflet from HSE on Consultation and Involvement

The HSE has issued new guidance on the employers' duty to consult with employees in the wake of the new Guidance. Download it from www.hse.gov.uk/pubns/indg232.pdf

The key point to note is that this highlights more clearly the fact that, where unions have appointed safety representatives, those safety representatives represent **all staff** employed, **not just union members**. This is in accordance with the provision of Section 2(4) of the Health & Safety at Work Act. The new guidance has a simplified version of the flow chart, and this says "**Has a recognised trade union agreed to represent these employees?** (Page 1; middle box, left-hand sides.)

Although the law is unambiguous, this guidance leaflet offers an interpretation that undermines it. Our advice is that all Branches and LA's need to check that they have informed their employer that the UCU safety reps have agreed to represent all members of the academic and related staff – if not, please do it now, to avoid any problems with the employer trying to set-up alternative arrangements for non-union members.

TUC Safety Reps Charter

Since 2003 a document entitled "The Safety Reps Charter" has been published on the HSE website. This document was originally produced by the old HSE advisory committee for the tertiary education sector, HIFEAC, and was both inaccurate in the information it presented, and suggested that employers only needed to achieve minimum compliance with statutory standards, rather than encouraging them to adopt best practice. A number of UCU safety reps have reported that their employer has relied on this document as an authoritative statement.

Last month the trade union reps on the Higher Education Safety & Health Forum (HESH) tabled a critique of this document, and following discussion, HESH agreed that the HSE should be asked to withdraw this document as it no longer enjoyed any support. If anyone wants to read this critique please e-mail a request to jbamford@ucu.org.uk

Since then, the TUC has produced a proper Safety Reps Charter, available for download from www.tuc.org.uk/extras/safetyrepscharter.pdf which is a complete statement of the trade union position on safety reps, and makes the arguments for increased safety reps functions, more and better enforcement, and better support from the HSE.

Radiation at Manchester University

Not many people can have missed the national media accounts over the past few weeks of contamination by radioactive sources in rooms used by Ernest Rutherford at Manchester. Rutherford worked there over a hundred years ago, when he was undertaking some of the earliest experiments with radioactive materials.

A report raising concerns about the possibility that staff who have since worked in those rooms may have been exposed to ionising radiation, and about the possibility that they may have been affected by it was submitted to the University in June. The report was written by 3 academics who had worked in some of those rooms, and had been colleagues of two members of staff who had developed cancer and died. The University responded that they saw some merit in the report's recommendations, which included an independent review of the evidence, and some estimation of the likelihood of any risks faced by people who had worked in the rooms. Professor David Coggon of Southampton University and Chair of the MRC has been asked to undertake a review of the evidence presented in the report, assisted by the expertise of the Health Protection Agency (which absorbed the old National Radiological Protection Board in 2005).

Professor Coggon made it clear he will ensure that all parties with an interest in this matter are fully involved and informed. He has consulted with the UCU and other campus trade unions at Manchester, and is currently consulting with interested parties on a draft terms of reference document for his enquiry. The review is expected to take some months, but we hope to see a report in the earlier part of 2009. We will update you on the process as it develops.

Asbestos News

- 1) Employers are still exposing people to the risks of asbestos. This month's Health & Safety Bulletin reports that a licensed asbestos removal firm in the Ipswich area was fined £70,000, with costs of £13,821 for two breaches of the Control of Asbestos at Work Regulations that took place in September 2005. They failed to follow the safe work plan they had sent to the HSE (a legal requirement), and failed to prevent the spread of asbestos by not using wet stripping techniques, or cleaning up debris. The main contractor was also fined £100,000 for failing to ensure the health & safety of their employees, who were inexperienced Lithuanian workers who knew nothing about asbestos, and had received no training.
- 2) The HSE launched their asbestos awareness campaign for small employers and self-employed craft workers in construction and building trades, on 13 October. The campaign is aimed to raise awareness amongst maintenance and other workers, who are likely to come into contact with existing asbestos-containing materials in buildings. The HSE is targeting electricians, plumbers and joiners. The main HSE campaign website is at www.hse.gov.uk/asbestos/hiddenkiller/index.htm and resources like leaflets and posters can be downloaded from www.hse.gov.uk/asbestos/hiddenkiller/resources.htm

UCU members in construction department's should also find this information invaluable for passing on to apprentices, trainees and others; our members here can play a substantial role in protecting workers now, and helping to reduce future problems associated with this dreadful material.

Ban Bullying at Work day

Don't forget 7 November is Ban Bullying at Work day. UCU is preparing a range of campaign materials to be distributed to Branches and LA's. Please make sure you can access these, and do something useful with them. Suggestions include – organise a special Branch meeting; have a stand in a prominent place.



UCU Conference – Tackling Bullying

Thursday 27 November 2008

Britannia Street Conference Centre

The extent of workplace bullying and harassment for UCU members is reaching alarming proportions, according to a survey earlier this year. Half of UCU members responding to a stress survey in April and May said they were subject to some form of bullying at work, and an even higher proportion said they were subject to some form of personal harassment at work. Ethnic minority and disabled members, and those working in prison education, reported much higher levels of bullying and harassment than white or able-bodied members, or those working in further and higher education, respectively.

Visit www.ucu.org.uk/index.cfm?articleid=2073 for further information

UCU Module 1 Health & Safety Rep Induction

There are still places available on Module 1 Health and Safety Rep Induction training in
Glasgow on 26 & 27 November

UCU recommend that there should be at least one H&S rep on every branch committee and numerous departmental/faculty H&S reps if the branch is large and located over split sites.

Attached is the web link where you can get more information and apply for a place if you or someone else from your branch is interested in attending

www.ucu.org.uk/index.cfm?articled=3156

You can also contact Ann Steedman in the Edinburgh office who is co-ordinating the course at
asteedman@ucu.org.uk

National Training - Health and Safety Stage 1 course

The UCU Health and Safety Stage 1 programme consists of 5 two day modules. All new UCU health and safety reps should undertake training as soon as possible after they take up post. Existing health and safety reps and potential reps are encouraged to attend the Stage 1 course to develop and maintain skills needed to perform the job of a health & safety rep. It is vitally important that your branch/LA be up to date with changes in health and safety law and that each branch/LA has a trained health and safety rep on site. A trained health and safety rep with an understanding of their role and their rights will be able to play a vital role in representing members effectively.

The following national courses are being **held in London** (*please note that **modules 1 must be completed before you can attend modules 2 – 5.***)

Module 2 -	Understanding H&S Law	5 & 6 Nov 2008
Module 3 -	Using your rights as H&S rep	9 & 10 Dec 2008
Module 4 -	Dealing with Accidents/Hazards	11 & 12 Feb 2009
Module 5 -	TU Action to Tackle Stress	17 & 18 Mar 2009
Module 1 -	Health & Safety Induction	6 & 7 April 2009
Module 2 -	Understanding H&S Law	12 & 13 May 2009
Module 3 -	Using your rights as H&S rep	10 & 11 June 2009

For further information please visit the UCU website at www.ucu.org.uk/training or contact Linda Ball at lball@ucu.org.uk

The following courses are being **held in Birmingham**

Module 2 -	Understanding H&S Law	6 & 7 Nov 2008
Module 3 -	Using your rights as H&S rep	20 & 21 May 2009
Module 4 -	Dealing with Accidents & Hazards	Dates TBA
Module 5 -	TU Action to Tackle Stress	Dates TBA

For further information regarding courses in Birmingham, please either visit the UCU website at www.ucu.org.uk/training or contact Lesley Foley at lfoley@ucu.org.uk

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 three 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 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

Don't forget to visit the UCU health and safety web page at:

www.ucu.org.uk/index.cfm?articleid=2132