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New Guidance to the Safety Representatives Regulations

This month we give a little more detail on the new guidance to the Safety Representatives and Safety Committees Regulations 1977.

Last week the TUC published their version on the website. The TUC booklet doesn't replicate the whole of the new HSE publication L146; it contains only the SRSC Regulations and the corresponding Codes of Practice, Schedule and the new Guidance; plus the new Appendices in L146. Remember that it is only the Guidance that has been updated, not the Regulations or Codes of Practice.

The main changes are as follows:

- 1)** The booklet now follows the standard HSE format for listing Regulations, followed by accompanying Codes of Practice and Guidance text sequentially. The paragraph numbers are now sequential throughout the document; from (1) to (95), whereas before only the guidance was numbered sequentially; the Codes had their own numbering. So for example, the old Guidance Note 13, which spelled-out in words of one syllable for employers what "consultation" under Regulation 4A(1) meant is now Guidance paragraph 41.
- 2)** Where necessary, the guidance has been reworded to make it clear this applies to employers as much as safety representatives. A major criticism in the past was that employers don't read or use this document because they saw it as only applying to safety reps. It's now much clearer that it applies to employers as well.
- 3)** There is a useful cross-reference to the Management Regulations in Guidance paragraphs 39 & 40, which emphasises the duty on the employer to consult with safety reps; and three useful Employment Tribunal case studies on paid release for training have been included in Paragraph 43. It's a pity they didn't include one of the cases in respect of the third stage TUC Diploma in Occupational Safety & Health course as well.

4) Three very informative new appendices have been added. They list existing pieces of legislation, mostly Regulations and Approved Codes of Practice, which contain requirements on employers in 3 main respects:

Appendix 1 lists those existing Acts and Regulations that require employers to give information to employees

Appendix 2 lists those existing Acts and Regulations that require employers to give instruction and training to employees

Appendix 3 lists those existing Acts and Regulations that require employers to consult health & safety representatives

5) There is a very useful final paragraph of the preface:

"Employers and employees can agree to alternative arrangements for joint consultation on health and safety at work as long as such arrangements do not detract from the rights and obligations created by the above regulations. Recognised trade unions can at any time invoke the rights given by the Safety Representatives and Safety Committees Regulations and the obligations on the employer would then apply."

We have heard recently of 2 cases where the employer set-up a safety committee before the Regulations came into force in 1978, and which our local associations are not happy with in terms of membership and functioning. One employer particularly has resisted attempts by UCU and the other campus unions to bring the committee within the scope of the SRSC Regulations, claiming they don't need to do this as the committee they have meets the standard. The UCU has contested this; and the campus unions only want to ensure the position is formalised; so this paragraph is useful in such a case.

TUC location: <http://www.tuc.org.uk/extras/brownbook.pdf> for a free download.

UCU will be getting copies of the booklet for use on safety reps training courses, but we expect to get others for distribution. We'll let you know when they arrive.

You can get the official HSE Publications as follows:

HSE **Consulting Workers on health and Safety:** Safety Reps and Safety Committees Regulations 1977 and Health and Safety (Consultation with Employees) Regulations 1996 with Approved Codes of Practice and amended guidance L146. ISBN 978-0-7176-6311-8. Available from HSE Books priced £13.95

New guidance for employers; **Involving your workforce in health and safety:** Good practices for all workplaces HSG263. ISBN 9-780 71766 2272. HSE Books priced £10.95

New TUC Publications on Organising for Health and Safety

Recognising the importance of health and safety to union members and non-members alike the TUC has produced a set of publications which set out to show how unions at both national

and local level, can use health and safety to campaign for union recognition, to develop activists and membership and strengthen the union in workplaces that are already organised.

Four new TUC 'Organising for Health and Safety' booklets include: new guidance and a training course for union organisers; a new training course for union safety reps on using their expertise to develop the organising approach in their branch and at work; and a revised TUC workplace resource with practical exercises for use by safety reps and branch organisers.

Each of the booklets can be used separately or as part of a comprehensive approach to developing health and safety at work as an organising tool for UCU. The booklets are free to affiliated unions and are available on-line. Click on the title of the publication to go to the PDF version.

Organising for Health & Safety: A workplace resource
http://www.tuc.org.uk/extras/1.%20ORG_H&S.pdf

Organising for Health & Safety: Safety Reps Course
http://www.tuc.org.uk/extras/2.%20ORG_H&S%20Reps.pdf

Organising for Health & Safety: Union Officers Course
http://www.tuc.org.uk/extras/3.%20ORG_H&S%20Officers.pdf

Organising for Health & Safety: What makes Health & Safety a Good Organising Issue
http://www.tuc.org.uk/extras/4.%20ORG_H&S%20What.pdf

Dealing effectively with a health, safety or welfare issue gives members a real boost, and is an immediate demonstration of the value of trade union organisation at work. It is also the case that the Safety Reps & Safety Committees Regulations is the most powerful piece of legislation promoting trade union organisation anywhere in the world. These materials can be used for some local training activities to increase your success rate, improve membership participation and give you positive arguments for recruiting new members. Branches and LA's should consider organising some short workshop sessions, including some combined activity with other campus trade unions.

HSE updates information for expectant mothers

The HSE website pages that contain information about specific health & safety issues in relation to new and expectant mothers has recently been updated. It features a useful page of "Frequently Asked Questions" which cover a range of matters, including the duty on the employer to conduct an additional risk assessment once they have been informed a worker is pregnant. There is also lots of useful advice on a whole range of issues, including links to relevant HSE leaflets. Check out the site at <http://www.hse.gov.uk/mothers/faqs.htm>

International Trade Union Confederation (ITUC) condemns exclusion of asbestos from Global Export Regulation

Once again, a bit of international politics has scuppered attempts to get further global restriction on the production and use of asbestos. The ITUC has condemned the decision to exclude chrysotile (commonly known as white asbestos) from the list of dangerous products

under the Rotterdam Convention, the international agreement which regulates exports of hazardous chemicals.

Speaking after the decision, ITUC General Secretary Guy Ryder said *"Industry lobbies and the profit motive have tragically prevailed over the safety of workers and consumers with the refusal to include this highly dangerous substances from the coverage of this Convention"* He added that *"Governments must move urgently to correct this mistake, which leaves the health of many thousands of workers in mining, construction and other sectors at grave risk"*.

Under the Rotterdam Convention, governments maintain a list of dangerous substances which may only be exported according to the principle of "Prior Informed Consent" (PIC) – exporting countries must get specific permission from potential importing countries before the substances can be shipped. According to the rules of procedure of the Rotterdam Convention, substances can only be added to the PIC list if signatories to the 1998 convention reach consensus.

At the most recent meeting on the Convention, seven asbestos-importing countries (India, Kyrgyzstan, Mexico, Pakistan, Philippines, Ukraine and Vietnam) supported asbestos-exporting Kazakhstan in opposing the PIC-listing. Other exporters (Brazil, Canada, Russia and Zimbabwe) are known to oppose restrictions on the trade in asbestos, despite the huge toll of death and disease it is known to cause.

"Instead of governments responding to the urgent need to protect, this development underlines the powerful influence of a few vested interests and poses extremely serious questions about the credibility of the Rotterdam Convention. Transparent and democratic decision-making should replace the current practice where collusion between powerful industry lobbies and a few countries can allow commercial gain to push public health aside. The legitimate concerns of the great majority of countries and the clear weight of scientific evidence have been ignored with this inexcusable decision", said Ryder.

The ITUC represents 168 million workers in 155 countries and territories and has 311 national affiliates. <http://www.ituc-csi.org>

Workplace bullying and the economic downturn

More than 90 per cent of workers surveyed by the Andrea Adams Trust say they are being bullied. A survey of 10,000 employees by the charity found that 92 per cent felt they were currently being bullied. Almost half (49 per cent) said their immediate manager was the bully.

According to the TUC Safety Reps Survey 2008, bullying was a concern at work for one in five safety reps (20 per cent) a 25 per cent increase since the 2006 survey (16 per cent). In 2004, 12 per cent of safety reps reported bullying as a concern at work. In education, bullying was reported as being the 4 most frequent hazard that reps had to deal with.

TUC General Secretary Brendan Barber commented: 'As the economic downturn puts workers under greater strain, there is a danger that bullying could spread even further.'

UCU published and distributed posters, stickers and wristbands for national Ban Bullying at Work day on the 7th November. Keele University local association held a joint union workshop for activists followed by a meeting which resulted in all the campus unions agreeing to meet together to plan and organise a more collective and determined approach to the problem. If you were involved in local activities we would like to know about what you did. E-mail brief details to jbamford@ucu.org.uk and we'll report these in the next issue.

Andrea Adams Trust is at www.andreaadamstrust.org/

TUC: www.tuc.org.uk/h_and_s/tuc-15564-f0.cfm

HSE publishes statistics for 2007/08

Shortly after our last newsletter was circulated, the HSE published their annual statistics. The key facts for 2007/08 are:

Fatalities

- **229** workers were killed at work, a rate of 0.8 per 100 000 workers.

Injuries

- **136 771** other injuries to employees were reported under RIDDOR, a rate of 517.9 per 100 000 employees.
- **299 000** reportable injuries occurred, according to the Labour Force Survey (LFS), a rate of 1000 per 100 000 workers

Ill health

- **2.1 million** people were suffering from an illness (long standing as well as new cases) they believed was caused or made worse by their current or past work.
- **1.3 million** of these cases were suffered by people working during the year, of which 563 000 were new cases.
- **2 056** people died of mesothelioma (2006), and thousands more from other occupational cancers and lung diseases.

Working days lost

- **34 million** days were lost overall (1.4 days per worker), 28 million due to work-related ill health and 6 million due to workplace injury.

Enforcement

- **1 028** offences were prosecuted by HSE.
- **354** offences were prosecuted by local authorities.

Health and safety targets: progress to 2007/08

- **Ill health: probably not on track** to meet Revitalising target.
- **Fatal and major injuries: on track** to meet Revitalising target.
- **Days lost per worker: probably not on track** to meet Revitalising target.

The figures show a welcome fall in reported deaths, down 18 on 2006-07, but there is some evidence that they have reached a plateau, and reducing them even to the 200 figure will take some kind of new initiative. How about more effective enforcement as a starting point?

For those who want to see the bigger picture, there are good links from the HSE page at <http://www.hse.gov.uk/statistics/hssoct08.htm> which give access to all kinds of statistical information. The full HSE published booklet can be downloaded from <http://www.hse.gov.uk/statistics/overall/hssh0708.pdf>

Stress failings

The HSE's 2008 report on the results of the psychosocial working conditions (PWC) survey conducted for the Office of National Statistics show that, after 4 years of the much-vaunted Stress Management Standards, there has been little if any change in the number of employees describing their work as "very" or "extremely" stressful. HSE suggest this may simply be a function of a long latency period between actions being taken and the situation to improve. At least one expert on the HSE working party expressed some concern that "people" (that must mean employers) are not doing what is needed and recommended; a view supported by her own experience. That would certainly be the experience of some UCU local organisations, as well.

According to an article in the current issue of Health & Safety Bulletin, a consultant specialising in stress management is quoted as saying that in her view, employers are not really interested as it is a health & safety issue (!); neither do they understand much about stress, or what to do about it.

Most UCU safety reps won't be surprised by this. At the same time, most UCU reps can probably tell their employer what needs to be done in great detail; starting with getting them to pay attention to the representations that UCU reps make to the employer about the problems. Whilst employers continue to fail to work with us and our reps to establish real partnerships that can make real progress in tackling the problems, nothing will change.

Read the report at <http://www.hse.gov.uk/statistics/pdf/pwc2008.pdf>

Asbestos exhibition

A photographic exhibition which graphically illustrates the gruesome reality of the international expansion of the asbestos hazard will shortly be on display in London. This is the premier of a travelling exhibition, and supplements the September 2008 publication: **India's Asbestos Time Bomb.**

These photographs show the experience of workers and the public in the Indian subcontinent. It will be on display at the TUC headquarters at Congress House, Great Russell Street, London, WC1B 3LS, from 1 -5 December, 2008

Please pass this information on to any contacts you have who may want to view or hire the exhibition.

For more information on this event or to hire this exhibition, please contact the exhibition organizer Eve Barker: ebarker@nildram.co.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 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