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1. UCU Congress 2009

Health and Safety Fringe
Thursday (13:00-14:00)
'Tackling bullying in the workplace:
A health and safety organising approach'
Meyrick Suite

Chaired by John Murphy (NEC), this meeting will examine how workplace bullying – a major problem experienced by many UCU members should be seen as collective issue most often related to institutional and managerial culture, not just an individual casework problem. Dealing effectively with it demonstrates the value of UCU membership.

Speakers:

Stephen Court, UCU Senior Research Officer
John Bamford, UCU Health and Safety Advisor

For those of you who will be attending Congress in Bournemouth, John will also be available to provide advice on specific health and safety issues. Meet him on the health and safety stall on Wednesday afternoon and Thursday morning.

2. Compact fluorescent light bulbs

A recent report by the Health Protection Agency (HPA) has shown that some energy saving compact fluorescent light bulbs (CFLs) can emit ultraviolet radiation (UVR) at levels that, under certain conditions, can result in exposures higher than guideline levels.

The guideline levels referred to are those recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for an 8-hour exposure period. The CFLs are too bright for people to comfortably stare at, so the main issue is skin exposures to UVR when the bulbs are used for close work on desks or work benches.

At close proximity (2 cm or ¾ inch), the exposure limit would be exceeded in less than 10 minutes by about 20% of the CFLs the HPA tested. About half of the CFLs exceeded the exposure limit at this distance after 30 minutes. At a greater distance (20 cm or 8 inches)

only 8% of those tested exceeded the ICNIRP guidelines after 8 hrs. Hence the advice given is primarily aimed at avoiding very close exposures to CFLs.

Action

The HPA's view is that open (or single envelope) CFLs shown in Fig. 1 should not be used where people are in close proximity – closer than 30 cm or one foot - with the bare light bulb for over one hour a day. For such situations open CFLs should be replaced by the double encapsulated or double envelope type shown in Fig. 2. Alternatively, the lamp should be moved so that it is at least 30 cm or one foot away.

People who suffer from Lupus and other light-sensitive conditions may be specifically affected by the emissions from compact fluorescent lights. They have to be very careful about exposure to sunlight, so also need to be cautious about their use of compact fluorescent lights. No other groups have been identified as being particularly susceptible.



Fig 1. Open (Single Envelope) CFL



Fig 2. Encapsulated CFL

Encapsulated compact fluorescent light bulbs (Fig. 2), which look similar to traditional domestic light bulbs, do not emit significant amounts of UVR. The larger long tube "strip lighting" fluorescent lights commonly used in workplaces for many years can be used in ceiling fittings without any special precautionary measures.

UVR causes skin cancer. Over the last twenty-five years in Great Britain, the incidence of malignant melanoma has increased more than any other common cancer in the UK. The male rates (cases per 100,000 of the population) have increased more than five times from around 2.5 in 1975 to 13.2 in 2005, while the female rates have more than tripled from 3.9 to 14.4 over the same period.

For more information about the incidence of skin cancer go to the Cancer Research site at <http://info.cancerresearchuk.org/cancerstats/types/skin/incidence/> and the HPA report at http://www.hpa.org.uk/web/HPAweb&HPAwebStandard/HPAweb_C/1223534061375

3. First corporate manslaughter charge

In the first application of the Corporate Manslaughter and Corporate Homicide Act 2007, the Crown Prosecution Service has authorised a charge of corporate manslaughter against Cotswold Geotechnical Holdings Ltd in relation to the death of Alexander Wright on 5th September 2008.

Mr Wright, who was employed by Cotswold Geotechnical Holdings as a junior geologist, was taking soil samples from inside a pit which had been excavated as part of a site survey when the sides of the pit collapsed crushing him.

Peter Eaton, a director of the company has been charged with gross negligence manslaughter and with an offence contrary to Section 37 of the Health and Safety at Work Act 1974. Cotswold Geotechnical Holdings Ltd has also been charged with failing to discharge a duty contrary to Section 33 of the Health and Safety at Work Act 1974.

Under the Corporate Manslaughter and Corporate Homicide Act 2007 an organisation is guilty of corporate manslaughter if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the person who died. A substantial part of the breach must have been in the way activities were organised by senior management. The CPS has concluded that there is sufficient evidence for a realistic prospect of conviction for this offence.

Mr Eaton will appear at Stroud Magistrates' Court on 17 June. He faces charges both as an individual and on behalf of the company.

A conviction for gross negligence manslaughter carries a maximum sentence of life imprisonment. Convictions under the Health and Safety at Work Act 1974 result in a fine. A conviction for corporate manslaughter attracts an unlimited fine.

The Corporate Manslaughter and Corporate Homicide Act 2007 came into effect on 6 April 2008.

4. New H&S law poster

On the 6 April 2009, the HSE published a new version of its approved health and safety poster. The new version is modern, eye-catching and easy to read. It sets out in simple terms, using numbered lists of basic points, what employers and workers must do, and tells you what to do if there is a problem.

Employers can continue to use their existing versions of the poster until 5 April 2014, as long as it is readable and the addresses of the enforcing authority and the Employment Medical Advisory Service up to date. This information can be obtained from HSE's Info line on 0845 345 0055.

What is the law poster?

Employers have a legal duty under the Health and Safety Information for Employees Regulations (HSIER) to display the poster outlining British health and safety laws in a prominent position in each workplace.

Recent research showed that the poster approved in 1999 is visually unappealing and rarely read. Both workers and employers can expect to benefit from the increased awareness and clearer understanding of key health and safety messages that the new version will bring. The new poster reduces the administrative cost for employers, who no longer have to add further information and keep this up to date. The new poster will be available as an MP3 version on the HSE Talking Leaflets website. It will also be available in Welsh.

How can employers obtain the new poster?

The new law poster can be ordered from HSE Books (tel: 01787 881165) and will be distributed by booksellers. At current VAT rates the standard version costs £7.34. The semi-rigid version costs £11.75. Employers will be able to verify that they have a genuine HSE law poster by checking the unique, serially numbered hologram on each poster.

The HSE also produce the information on the poster in a card form. Employers can give each employee a card instead of displaying the poster. This is useful where there may be individual or a small number of employees in locations remote from the main site.

5. Prime Minister recognises TU Safety Reps

In a message issued to mark Workers' Memorial Day 2009, the Prime Minister said:

"Britain can rightly be proud of the health and safety legislation we have in place and the British trade union movement has led the way in protecting the lives of people at work through health and safety representatives. Their dedication has protected countless workers and their families from the consequences of deaths and injuries at work and I pay tribute to their tireless efforts on behalf of us all."

The TUC welcomed Gordon Brown's positive statement made about the work of TU safety reps, and Brendan Barber, TUC General Secretary said that

'Workers' memorial day events mark the thousands of people who have lost their lives, become ill or been injured as a result of their jobs. The safest workplaces in the UK are the ones where there are union safety reps to keep employers on their toes and who work with managers to keep their colleagues safe at work.'

To mark WMD 2009, the Secretary of State for Work and Pensions announced a consultation on official recognition of the day. The Hazards Campaign, TUC, and unions have been campaigning for official recognition for years. For more details, see the DWP press release at <http://www.dwp.gov.uk/mediacentre/pressreleases/2009/apr/hse121-280409.asp>

We will circulate more information about how UCU branches, local associations and individual members can contribute to the consultation process as soon as we have more details of the process. The Hazards Campaign, the organisation that originally introduced WMD to the UK in 1991 has emphasised that whatever the government decides to do, WMD will remain a workers day, under our control.

6. Taking the heat out of workplace temperature

A recent TUC survey showed that even when the summers are not particularly great, as 2008, many employees have to work in very hot conditions, particularly where they work in buildings with lots of windows. Ninety four per cent of respondents said their workplaces had often been too hot to work in last summer, and 42 per cent said they regularly worked in unbearably hot conditions. Examples of workplaces affected include a lab where staff were working in temperatures of 32°C, a chicken factory where the soaring temperature was making staff feel dizzy and a school where the temperature in a classroom with two glass walls regularly rises to 32°C.

With our summers predicted to get gradually hotter and drier over the coming years, UK factories and offices will become increasingly uncomfortable and potentially hazardous place to work. In a new report published on Wednesday 6th May the TUC called for the introduction of a new upper limit on workplace temperature. The TUC says that although employees are not expected to work when the temperature drops below 16°C (or 13°C if they are doing physically demanding work); there are no similar restrictions for when the workplace becomes too hot. The report says that it is generally accepted that people work best between 16°C and 24°C.

With long range weather forecasts suggesting a long, hot summer is on the way, the TUC wants the law changed so that employers are forced to act when the temperature inside hits 24°C, and that staff could be sent home and their employers prosecuted if it rises to 30°C. High temperatures mean employees can suffer heat rashes, headaches, dizzy spells, fainting and heat cramps. Stifling hot working conditions also affect concentration, making workers

feel tired, stressed and often ill-tempered and as a result are more likely to endanger their own or their colleagues' safety.

The law requires employers to provide a safe, risk-free environment for their staff to work in, and to ensure a reasonable temperature is maintained. The absence of a maximum temperature in which people can work means employers frequently allow workplaces to become too hot for staff to work in reasonable comfort.

7. Hot work success in education

Glasgow City Council has been forced to tackle the problem of excessive workplace temperatures, after complaints from teachers going back over 5 years. Following repeated complaints by teacher's union the Educational Institute of Scotland, (EIS) which Glasgow City Council failed to resolve satisfactorily, the EIS made a formal complaint to the Health & Safety Executive. In June 2007, the HSE inspected cookery, computer, drama and some general purpose classrooms at two schools. The HSE report showed that there were breaches of Regulation 6 (Ventilation) and Regulation 7 (Temperature) of the Workplace Health, Safety and Welfare Regulations. The breaches included an insufficient supply of fresh air in the rooms, and temperatures that were unreasonable. There was also criticism of the failure to control and remove fumes in the cookery rooms. The schools concerned are being renovated as part of a public-private partnership, which covers a total of 29 secondary schools in Glasgow.

The HSE wants the council to install proper ventilation and extraction equipment in 67 cookery rooms, 210 computer suites and for other teaching areas. The total cost is estimated to be £1.3 million, of which the council will have to pay over £650,000; the PPP contractor paying the remainder. The HSE expects the work to go ahead as soon as possible. An HSE spokesperson said that they did not believe they would need to take any formal enforcement action, but would do so if it became necessary.

For more on temperature and ventilation, see the UCU fact-sheet and survey checklist at http://www.ucu.org.uk/media/docs/0/a/hsfact_temp_vent.doc

This case demonstrates the value of having a good working relationship with the HSE Inspector responsible for your own institution. Where we can show that the employer has repeatedly failed to respond positively to safety representatives complaints, it is possible to make a formal complaint for some assistance from the enforcer, and it can work.

8. Manchester radiation investigation

Those of you who have been following the case of contamination by radioactive material in Ernest Rutherford's old laboratory at Manchester University, which has been reported in the national media over the past 9 months may have heard the item on the Today programme some 3 weeks ago. This reported that a 6th person who had worked in the former laboratory rooms had died. He is the 3rd person to have died of pancreatic cancer, a relatively rare form of cancer, so it seems possible that a cluster of cases may be developing. The issue came to light following the publication of a report in June 2008 by three academics who had worked in the psychology department that had occupied the rooms concerned for about 25 years beginning in the mid 1970's.

Professor David Coggon of Southampton University and Chair of the Medical Research Council has set-up and presided over an investigation by the part of the Health Protection Agency (HPA) that was the former National Radiological Protection Board. Additional investigations has also been undertaken because of mercury contamination, and this is being investigated by the Health and Safety Laboratory, part of the HSE's specialist functions. David Coggon

made it clear that he would fully involve the universities trade unions in the process, and ensure a transparent and independent investigation.

There are many sources, including the Guardian, Independent and Daily Telegraph but try this which provides other links <http://www.journal-online.co.uk/article/5325-sixth-cancer-death-renews-manchester-radiation-fears>

We'll publish the results of Professor Coggon's investigations when they are revealed; meanwhile the investigations continue.

9. Hazards Conference 2009

The 20th national Hazards Conference, Hazards 2009 takes place from 10–12 July 2009, at Manchester University city centre campus (the former UMIST). It is a full weekend of debates, meetings, plenaries and workshops, to help safety reps learn more about health and safety issues, network, share experiences and develop campaigning initiatives. Hazards attract over 500 trade union safety representatives and campaigners, and UCU sponsors 4 delegates.

For more information, visit the Hazards Campaign website at http://www.hazardscampaign.org.uk/hazardsconference/haz_conference_2009_application_form.pdf Closing date for applications is 19th June.

UCU safety reps who wish to apply for sponsorship to either of these conferences should first make sure they have the support of their branch or local association, and then ask the secretary to send an email complete with contact details of the delegate to Sharon Russell at srussell@ucu.org.uk before completing any application forms.

UCU sponsorship includes the delegate fee (which includes accommodation and all meals) and reasonable travel expenses to attend. Please let us know in advance if travelling to this event would involve substantial outlay for the union. Places will be allocated on a first come-first served basis. After the **first 4** have been received, names will go on a waiting list.

Branches and local associations can also send delegates to Hazards independently using local resources. An increasing number of delegates to Hazards get their employers to pay the delegate fees; and many get paid time-off as it is an educational event supported by trade unions and the TUC.

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 may be asked to leave a message. You will then be contacted as soon as possible.

Telephone 0161 636 7558
Email healthandsafety@ucu.org.uk
Postal John Bamford, UCU Health and Safety Advice Line
Greater Manchester Hazards Centre, Windrush Millennium Centre
70 Alexandra Road, Manchester M16 7WD

Don't forget to visit the [UCU Health and Safety web page](#)