

Welcome back to all our safety reps and branch officers, to the first Health & Safety Newsletter of the academic year.

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1. Consultation with UCU Safety Reps

We've had a number of direct enquiries over the summer about how and when employers should consult with union safety representatives, and a number of other enquiries that show pretty conclusively that employers are:

- Generally not consulting with trade union safety representatives "in good time" as required by the Safety Representatives & Safety Committees Regulations, Reg 4A(1) over proposals that have a health, safety or welfare implication or consequence, and
- Failing to identify (or just ignoring) the health, safety or welfare implications of many of their proposed actions

It seems that it's very convenient for employers to 'forget', for example, that proposals to restructure a department or consider course closures which may lead to job loss or staff relocation or deployment often have potentially serious implications for the mental health of staff that may be affected. One of the HSE's Stress Management Standards categories is 'Change', and sets out the risk factors that employers need to consider when organisational changes are being undertaken. There is research evidence that suggests that the worst effect of management proposals on the mental wellbeing of staff is the uncertainty that is created by such processes.

Our most recent case illustrated very clearly how employer actions on what might be broadly termed an industrial relations issue have a very clear health, safety or welfare implication. This particular employer made a statement in the autumn of 2008 that they were undertaking a review and restructure within one department, and they would keep UCU informed. In fact they didn't; apart from a number of vague statements that the matter was still being considered, there was no proper consultation. As the year progressed, staff in the department were increasingly concerned to know what was likely to happen to them – some could no longer stand the strain and went off sick. In July this year the employer 'informally'

told UCU the broad outcomes of the exercise, but did not specify any definitive outcome, so considerable uncertainty remains into the new academic year. Staff in the department have now been under considerable pressure and working in a highly stressful environment for almost a year. As a consequence, a significant minority of the staff have applied for a voluntary severance scheme, as this means that for them, the continued uncertainty has ended.

One question that immediately comes to mind is "Is this employer conducting a war of attrition to grind people down so they leave voluntarily, without the need to formally implement a redundancy exercise"?

We would argue that:

- The employer has abrogated their civil law implied contractual duty of care towards employees;
- The employer has breached their statutory duty under the HASAWA 1974 to ensure the health, safety and welfare of their employees whilst at work, and to provide a working environment that is safe and without risks to health;
- The employer should have been aware of the provisions of the stress management standards, and the need to ensure they protected staff against the risks to their mental and physical health the process of change implied;
- The employer should have conducted a risk assessment focussing on the stress factors created by their actions and the uncertainty that they created, and taken steps to ameliorate the effects, and then inform staff of those findings, so is in breach of the statutory duty imposed by the Management of Health & Safety at Work Regulations; and
- The employer has failed to consult about the whole process from a health and safety perspective before making any decision to go ahead with it, as the duty imposed on them by the Safety Representatives and Safety Committees Regulations requires. They also failed to involve our representatives in the process – hardly a shining example of their duty to co-operate with the union's safety reps. If they had done what they are supposed to do, it would have given our union the opportunity to challenge and influence the process to ensure that the employer did what was required of them, and that our members were protected from at least some degree of harm.

Can we emphasise that it is always important to look at everything the employer does or proposes to do, to identify what the health, safety or welfare implications of their proposals or actions are. The duty on employers to consult is much stronger in terms of health and safety than for other areas of industrial relations and branches should seek to press home any advantage that this might have.

2. EU research confirms value of safety representatives

An ETUI study of the effectiveness of workplace health & safety representatives in reducing incidents, injuries and ill-health has confirmed what UK researchers have shown by past studies: that active trade union safety representatives lead to better observance of the rules by employers, lower incident and injury rates and fewer work-related health problems.

The researchers also developed a theoretical model to describe the key conditions and factors relating to safety reps and their influence on health and safety at work. The report concludes by attempting to pinpoint the key needs and challenges for trade unions, safety reps, researchers, policy-makers and government agencies.

"The impact of safety representatives on occupational health: A European perspective."
32 pages. Format 21 x 24,5 cm: ISBN 978-287452144-7 (20 Euros)
Order from <http://hesa.etui-rehs.org/uk/publications/pub46.htm>

3. 'No doubt' sun-beds cause cancer

There is no doubt using a sun-bed or sunlamp will raise the risk of skin cancer, say international experts. The International Agency for Research on Cancer (IARC), an expert body that makes recommendations to the World Health Organization, has upgraded their assessment of sun-beds and sunlamps from Category 2A – "probably carcinogenic to humans" to Category 1 – "definitely carcinogenic to humans".

This decision follows a review of research which concluded that the risk of melanoma - the most deadly form of skin cancer - was increased by 75% in people who started using sun-beds regularly before the age of 30. In addition, several studies have linked sun-bed use to an increased risk of melanoma of the eye.

Cancer Research UK warned earlier this year that heavy sun-bed use was largely responsible for the number cases of melanoma exceeding 10,000 a year for the first time. In the last 30 years, rates of the cancer have more than quadrupled, from 3.4 cases per 100,000 people in 1977 to 14.7 per 100,000 in 2006.

Campaigners believe the change, which was reported in the August 2009 edition of the journal *Lancet Oncology*, will increase pressure for tighter industry regulation of sun-bed use. The new assessment puts sun-bed use on a par with smoking or exposure to asbestos. Cancer Research UK commented "The link between sun-beds and skin cancer has been convincingly shown in a number of scientific studies now and so we are very pleased that IARC have upgraded sun-beds to the highest risk category." Cancer Research UK's advice is to avoid sun-beds completely for cosmetic purposes on the grounds that they have no health benefits and they are known to increase the risk of cancer. It is now calling for an immediate ban on under-18s using sun-beds, and to close salons that are not supervised by trained staff. Such a proposal is under consideration by the government in England. The Scottish parliament passed a law banning the use of sun-beds by under-18's in June 2008.

However, the Sun-bed Association in the UK maintains there is no proven link between the responsible use of sun-beds and skin cancer, and that more than 80% of sun-bed users are very knowledgeable about the risks associated with over-exposure to ultraviolet radiation and the majority of sun-bed users take 20 or less sun-bed sessions a year. The Association supports a ban on under-16s, but argues there is no scientific evidence for a ban on anyone older.

You can download the report free of charge, (but you will need to register on the site first) from [http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045\(09\)70213-X/fulltext](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045(09)70213-X/fulltext)

Access to other IARC information is available at <http://www.iarc.fr/>
and more information about melanoma is available at <http://www.cancerbackup.org.uk/Cancertype/Melanoma>

4. Ban Bullying at Work

Earlier this year, we circulated information that the charitable arm of the Andrea Adams Trust (which has been giving support and advice to workers who have been bullied at work) was to close down. We can now confirm that the charitable elements of the AAT closed down on the 31st July. The Trust had failed to secure sufficient funding to continue to promote Ban Bullying at Work Day (7th November every year) and withdrew from that campaign earlier

this year. The trust's other charitable support activities finally closed because of the ill-health retirement of the chief executive, Lyn Witheridge.

The national Hazards Campaign is trying to pick up some of the pieces – particularly the promotion of Ban Bullying at Work day and the provision of some resources, as this was something that has been particularly useful and attractive to a number of trade unions, including UCU. The Campaign intends to approach Lyn Witheridge to seek her support for such an initiative as a worthy successor to the AAT's activities over the years.

We'll let you have more details in the October newsletter, but meanwhile, UCU still has posters and other resources available to support any local activities Branches decide to organise.

5. HSB articles on universities

The last two issues of Health & Safety Bulletin (HSB), a useful journal for news and analysis of a wide range of health & safety matters, has begun to publish a series of articles on health & safety in universities. The first article was a fairly straightforward and uncritical outline of what the chair of USHA (the Universities Safety & Health Association) sees as the current state of their performance. It was a little disappointing that the article failed to include anything about the contribution that trade unions or trade union safety representatives made to that performance, but then, to mis-quote Mandy Rice-Davies, "they wouldn't say that, would they?"

In the second article in the series focussing on wellbeing at the University of Leeds, again, the journalist was not informed about the significant contribution made by UCU and the other unions to the university's new approach to workplace health, safety and wellbeing. Just an acknowledgement that it was UCU that wrote the university's main health and safety policy statement would have been a start.

An article based on interviews with the health and safety specialists for the main campus trade unions will appear in the journal shortly. HSB should be available in many institutional libraries, so we suggest all UCU safety reps check their library for it. If your institution does not subscribe, can we also suggest you make an accessions request. If you need more information, e-mail John Bamford at jbamford@ucu.org.uk

6. University Safety Committees

We will soon circulate a short questionnaire to HE branches and LA's about membership and other aspects of joint employer – trade union safety committees. This is an issue of growing importance, as we continue to get reports that many such committees are overwhelmingly management dominated. The guidance to Regulation 9 of the SRSC Regulations (Paragraph 83) says unequivocally that there should not be more management representatives than employee representatives. Some universities even include a NUS person as a trade union representative – bit like Tesco having a shopper on their corporate safety committee. So please, HE reps, make sure your branch/LA completes and returns the questionnaire to us quickly.

7. Workers Memorial Day Consultation

As we reported in a previous issue, the Government has initiated a consultation in respect of according formal recognition to **Workers Memorial Day, 28th April** every year; the day we remember those workers who have died as a result of their work; as well as restating our

determination to fight for the living – to ensure that workplace conditions are safe and without risks to the lives or health of those who work there. The consultation document itself can be found at: <http://www.dwp.gov.uk/docs/workers-memorial-day-consultation.pdf>

UCU will respond formally to this consultation supporting the proposal to accord formal recognition, but it's open for any individuals or Branches to do so as well, and we encourage that. When you do respond, please do so in line with the guidance issued by the TUC, which UCU endorses. We will circulate the TUC draft to the safety reps mailing list, along with the UCU response, in the next few days.

Closing date for submissions is 19th October 2009.

8. Latest EU work-related ill-health statistics

The latest European Trade Union Institute health & safety bulletin (<http://hesa.etui-rehs.org/uk/default.asp>) draws attention to the latest EU statistics on work-related injury and ill-health, based on 2007 information. These show that 28% of all European workers (56 million) are exposed to one or more factors that adversely affect their mental wellbeing. **The main stress factors experienced by workers are time and workload pressures (about 23%), with violence, harassment and bullying combined affecting about 5%.** Health and social work are the worst affected sectors, while education is 6th in the table, where almost a third of all workers in the sector are affected.

Despite much media propaganda that UK workers are quick to take sick leave, these figures suggest that less than two-thirds of those affected by work-related ill-health actually take sick leave of less than one month, and less than a third of them take leave extending beyond one month.

It's not clear how useful these figures are – their own methodological notes admit to weaknesses in the methodology and statistical collection – but they serve as a rough guide to comparisons between individual EU states. The UK performs quite well comparatively in a number of respects. See the complete report at <http://hesa.etui-rehs.org/uk/newsevents/files/Labourforce.pdf>

You can subscribe free of charge to the ETUI newsletter by clicking the "subscribe" link on the home page.

9. More on Nanoparticles

Following on from our earlier report about HSE concerns about single walled carbon nanotubes displaying some of the characteristics of asbestos fibre, the following case has been reported from China.

Seven young women suffered permanent lung damage and two of them died after working for months without proper protection in a paint factory using nanoparticles, Chinese researchers reported in August 2009. The study, by staff at the occupational disease and clinical toxicology department at Chaoyang Hospital in Beijing was published in the European Respiratory Journal (ERJ) Y. Song, X. Li and X. Du Eur. Respir. J. 34, 559–567; 2009. It is the first to document potential health effects of nanotechnology in humans, although previous animal studies have shown nanoparticles can damage the lungs of rats.

Over the course of a few months, all of the women were hospitalised with respiratory problems, accompanied by itchy eruptions of the skin on the face and arms. On examination, the patients were found to have liquid effusion around the heart and lungs, which proved resistant to all treatments. Comprehensive investigation led to a diagnosis in all cases of

pulmonary fibrosis with consequent impairment of lung function. Electron microscopy of the material used in the work process, lung biopsy tissue and pleural effusion liquid found that all three contained round nanoparticles with a diameter of approximately 30 nanometres. These were found in the cytoplasm (a jelly-like material that fills the cell) of the pulmonary epithelial and mesothelial cells. These are the cells that, when damaged by invasive asbestos fibres, causes cell degeneration that results in mesothelioma, an untreatable and inevitably fatal cancer of the pleura, the lining of the chest cavity.

In the months leading up to the workers' illness, the workshop had been poorly ventilated. It was windowless, the door remained closed because of the cold, and the ventilation system had broken down five months earlier. Their only protection, used sporadically, was cotton gauze masks.

Despite these unfavourable conditions, the authors of the ERJ article maintain that this was not simply a case of intoxication by paint vapour as a result of poor ventilation, but that the illness was caused by the inherent toxicity of the nanoparticles. "It is clear that the symptoms, the examination results and the progress of the disease in our patients differ markedly from respiratory pathologies induced by paint inhalation", the research emphasises. The report points to the fact that within two years, two of the women died and the other patients' pulmonary fibrosis continued slowly to develop even after the exposure had stopped.

One of the researchers commented "These cases arouse concern that long term exposure to nanoparticles without protective measures may be related to serious damage to human lungs." However, other experts are sceptical as to whether nanoparticles are actually to blame.

It has been reported that Ken Donaldson, a respiratory toxicologist at the University of Edinburgh is one who has doubts. "I don't doubt that nanoparticles were present, but that does not mean they were the main arbiters," he says. Donaldson says that the plastic material the patients worked with is the more likely culprit — as it would have been highly toxic at the levels they were probably exposed to given the size of the room they worked in and its lack of ventilation.

<http://www.nature.com/news/2009/090818/full/460937a.html> to see further comments on this report.

Sources: <http://hesa.etui-rehs.org/uk/newsevents/newsfiche.asp?pk=1278>
<http://www.medicalnewstoday.com/articles/161161.php>

10. TUC Education

UCU supports the TUC Education Service programme of courses for safety representatives. Our own initial safety representative's course is based on the TUC model. UCU encourages our safety representatives who have completed the UCU course to continue with the second and third stages of the TUC programme. For more information about TUC courses, Branches should contact their TUC Regional Education Officer (REO). Contact details for all the TUC REO's are at <http://www.unionlearn.org.uk/education/index.cfm?mins=19>

UCU believes it is important that our safety representatives undertake as much trade union based training as possible, so we ensure the development of a body of well-trained and well-organised workplace reps to carry forward our health, safety and welfare agenda.

11. Safety Reps Training

The safety reps pathway has been updated and revised to reflect legislative changes, respond better to the needs of UCU safety reps, and meet UCU's objectives as set out in the national organising plan. The four two-day modules aim to equip UCU safety reps with the skills, knowledge and understanding they need to organise, bargain and campaign effectively on safety issues in their area. For further information and to book a place, visit:

www.ucu.org.uk/training

Safety Reps 1: induction

15 & 16 Oct 09 – Belfast
3 & 4 Nov 09 – London
24 & 25 Feb 10 – Birmingham

Safety Reps 2: the management of health & safety

25 & 26 Jan 10 – London
15 & 16 Feb 10 – Belfast

Safety Reps 3: preventing injuries and ill health

8 & 9 Oct 09 – London
18 & 19 Mar 10 – London
12 & 13 May 10 – Belfast

Safety Reps 4: bargaining for health & safety

12 & 13 Nov 09 – Birmingham
2 & 3 Dec 09 – London
17 & 18 Jun 10 – Belfast

12. UK WorkStress Network Annual Conference 2009

There are 2 delegate places left for this conference, which takes place on Saturday and Sunday, November 21st and 22nd at the NASUWT Hillscourt Conference Centre, Rednall, Birmingham. The conference theme is "Stress – the 21st Century Epidemic".

To secure one of these places, ask your Branch or LA secretary to e-mail Janet Pantland at jpantland@ucu.org.uk giving your details, and confirming that the local organisation supports your nomination as a UCU delegate. UCU will pay the conference delegate fee and reasonable travel.

Applications will be accepted on a first come – first served basis. Local organisations can send delegates at the Branch or LA expense, or even seek employer support. See <http://www.workstress.net/> for more information and a report from the 2008 conference.

The 2009 conference information and booking form can be downloaded from <http://www.workstress.net/downloads/networkconference2009.pdf>. Please do not send the form off until you have received confirmation from Janet.

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