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1. **Down the pan – toilet standards in FE colleges**

The Education (School Premises) Regulations 1999 SI0002, printable copy available at http://www.opsi.gov.uk/si/si1999/uksi_19990002_en.pdf sets the standards for toilets in schools. Regulation 4 of these Regulations clearly states that there should be separate provision for staff and pupils. Only in cases where the toilet is for disabled persons, and is a single room capable of being locked from the inside when occupied can it be shared with pupils. That is the standard that should be achieved in colleges where 14 – 16 year old students are coming in from schools.

We have been told of some new college buildings that only have shared staff-student toilets; UCU thinks that is unacceptable, given the standard of separate accommodation set out in the School Premises Regulations.

Some college managers may argue that these are school Regulations, so don't apply to colleges of FE. We say the standards established aim to protect the interests of both staff and pupils, and the requirements of separate provision would therefore apply to any educational institution. The standards they set can be "borrowed" by an inspector and applied to a college, under the aegis of the Health & Safety at Work Act Section 2 – the one that details employer duties.

There are potential risks to staff when toilet accommodation is shared. That could equally be the case for any students in the college, not just those under the normal school leaving age.

2. **Joint Safety Committees**

We recently circulated a short questionnaire about safety committee membership and functions in HE institutions, following enquiries from a number of Branches and LA's.

Employers are required to establish a joint safety committee if requested by 2 union safety representatives, under Regulation 9 of the Safety Representatives & Safety Committees Regulations. They are required to consult with the safety reps making the request, and the unions in the workplace about this. The Regulations don't deal with the operating criteria for the committee; that is dealt with in the associated Guidance paragraphs. The membership criteria for joint safety committees is stated very clearly and unequivocally; "*The number of management representatives should not exceed the number of employee representatives*". (SRSC Regulations: Guidance Paragraph 83)

Our survey showed that only 2 LA's were fairly content with the membership and functioning of their safety committee; most of the respondents had some level of criticism. We'll produce a new factsheet on safety committees in the new year, based on the survey results, and giving more information.

Meanwhile, as a new year activity, Branches and LA's might like to consider adding an additional agenda item for their safety committee meetings. The recent updating of the SRSC Guidance added an additional recommended agenda item at Paragraph 76(b) – "*consideration of aggregated absence statistics and reasons for such absences...*" Statistics like this can help us identify some of the issues that we are most concerned about, particularly stress-related absence. If we know where staff absence occurs and the reasons for that absence, we know where to look to find some causes and explanations.

3. Tardis materialises in the North – where next?

It is rumoured that Doctor Who has apparently visited a northern city, and that the Tardis is currently at rest on a college campus, and open to the public. Everyone knows that the Tardis is a wonder of illusion; externally it is the size of a telephone box, but inside the size of a ballroom. Those who visit this wonderful machine and cannot easily believe such optical illusion are invited to have their eyes tested, and should this reveal any imperfection, they will be given a prescription and the opportunity to purchase an appropriate corrective appliance. By some mystical process, a proportion of the cost of this will be defrayed by the owners of the ground on which the Tardis is sitting. Visually impaired people could also choose to walk to the nearest Boots optical centre with their prescription to purchase a similar appliance, but the question of a subsidy is less clear were that to happen.

Landing arrangements for the Tardis were made entirely without reference to the staff or their unions. So, having been given no prior information, nor had any opportunity to ask questions or express an opinion, there is no real way of telling if this is a positive development. It did raise some concerns that, given the level of discount on offer, the provisions of the DSE Regulations in relation to the supply of corrective appliances for DSE use might be being undermined.

We'd like to recommend that before the good Doctor dematerialises to begin his next journey in the Tardis, there is some prior consultation with the local UCU branch and other unions in

the place where he has been invited to materialise, so we are clear what exactly the benefits to UCU members are. Of course, if anyone else knows where the Tardis has materialised in the recent past, we'd like to be able to track its progress history.

4. Firm worked employee to death

UCU members know all about excessive workloads, but as yet, no tertiary institution employer has been accused of causing the death of such an overworked member of staff. In Japan it's different. Link to [Mainichi Japan](#) for the original report.

A restaurant chain has been accused of working one of its employees to death. The Osaka Central Labour Standards Inspection Office sent an investigation report on local restaurant chain Isoji and its 60-year-old president to the Osaka District Public Prosecutors Office. The report concludes a 29-year-old restaurant manager was worked to death, in violation of the country's Labour Standards Act. According to the labour office, the company forced the manager to work in excess of statutory working hours on 117 occasions between March and September last year. It also neglected its responsibility to carry out annual medical examinations for employees.

The manager, who died at home in September 2008, was on a very low wage and received no overtime payments. His family claimed workers' compensation in February this year, and the case was recognised by the authorities as a work-related death caused by overwork, known in Japan as 'karoshi'. As the man did not even have the right to hire new staff at his own discretion, his management position was nothing more than a nominal title, the labour standards authorities pointed out. In a statement, the restaurant firm said: 'We will strive to improve working conditions.'

5. Agency workers and disability.

Following an enquiry from the West Midlands about the provision of reasonable adjustments in the workplace for agency staff, the Equality and Human Rights advice line has confirmed that both the agency that employs such workers, and the institution in which they are sent to work both have responsibilities and duties.

The agency must notify the institution that they are sending a worker with a disability, and the institution is responsible for ensuring that the appropriate adjustments are made. Agency workers are also covered by the provisions of Regulation 9 of the Employment Equality (Age) Regulations 2006, which makes it unlawful for an "end user" to discriminate against an agency worker on the grounds of age, even though no contract exists between the worker and end user.

Agreements or an understanding between an employer and an agency that they don't want workers with a disability to be sent to their workplace would also be discriminatory and an offence under the Disability Discrimination Act.

The Helpline number is **0845 604 6610**.

6. Some seasonal thoughts on 'Elf 'n Safety'

Just to show we aren't always carping and critical – and certainly not anoraks. H&S specialists do have a sense of humour. This came courtesy of an unknown source, via a UCU safety representative who has herself had to exercise some extreme restraint and good humour in the face of an employer who has done their best to marginalise and restrict her activities on behalf of our members.

Jingle Bells

*Dashing through the snow
In a one horse open sleigh
O'er the fields we go
Laughing all the way*

A risk assessment must be submitted before an open sleigh is considered safe for members of the public to travel on. The risk assessment must also consider whether it is appropriate to use only one horse for such a venture, particularly if passengers are of larger proportions. Please note: landowners also have statutory obligations towards sleighs and their passengers under Section 3 of the Act. To avoid offending those not participating in celebrations, laughter should be moderated, and certainly not loud enough to breach the first action level under the Control of Noise regulations 2005.

While Shepherds Watched

*While shepherds watched
Their flocks by night
All seated on the ground
The angel of the Lord came down
And glory shone around*

The Shepherds Union has complained that it breaches the Workplace Health, Safety & Welfare Regulations to insist that shepherds watch their flocks without appropriate seating arrangements being provided, therefore benches, stools and orthopaedic chairs will be made available. Shepherds have also requested that, due to the inclement weather conditions at this time of year, they should watch their flocks via cctv cameras from centrally heated observation huts.

Please note, the angel of the lord has been reminded that before shining his/her glory all around she/he must ascertain that all shepherds have been issued with spectacles capable of

filtering out the harmful effects of UVA, UVB and Glory. These will, of course, be provided free of charge as they are an essential item of personal protective equipment.

Little Donkey

*Little donkey, little donkey on the dusty road
Got to keep on plodding onwards with your precious load*

The RSPCA have strict guidelines with regard to how heavy a load that a donkey of small stature is permitted to carry. Also included is guidance regarding how often to feed the donkey and how many rest breaks are required over a four hour plodding period. Please note that due to the increased risk of pollution from the dusty road, Mary and Joseph are required to wear face masks to prevent inhalation of any airborne particles.

The donkey has expressed his discomfort at being labelled 'little' and would prefer just to be simply referred to as Mr. Donkey. To comment upon his height or lack thereof may be considered an infringement of his equine rights.

7. UCU health & safety training courses

Don't forget to register for one of UCU's health and safety training courses:

www.ucu.org.uk/training

Safety Reps 1: induction

24 & 25 Feb 10 – Birmingham
22 & 23 April - London

Safety Reps 2: the management of health & safety

25 & 26 Jan 10 – London
8 & 9 Feb 10 – Belfast

Safety Reps 3: preventing injuries and ill health

18 & 19 Mar 10 – London
12 & 13 May 10 – Belfast

Safety Reps 4: bargaining for health & safety

10 & 11 June 10 - London
17 & 18 Jun 10 - Belfast

Contact UCU Health & Safety Advice

UCU Health & Safety Advice is provided by the Greater Manchester Hazards Centre, and is available for 3 days each week during extended term times. The contact person is John Bamford: jbamford@ucu.org.uk (t) 0161 636 7558

Visit the [UCU Health and Safety web page](#)



We'd like to wish all our readers a Happy Xmas and New Year, and look forward to our first newsletter of 2010.

