

Happy New Year to all our readers

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1. **New magazine from the European Trade Union Institute**

The European Trade Union Institute (ETUI) has just launched **HesaMag**, a new magazine devoted to occupational health and safety. This twice-yearly publication will replace the Newsletter HESA. Printed in four colours, it aims to appeal to a wide public.

Laurent Vogel, the director of the ETUI's Health and Safety department is keen to ensure that occupational health is not just a matter for the specialists, it is equally a question of everyday life and a major political issue. To achieve this aim, the editorial team has chosen to vary the styles, opening the magazine's pages up to articles on popular science, reports, interviews, surveys and so on. Each issue will devote ten or so pages to tackling a particular problem with implications for workers' health. The first issue focuses on nanotechnologies, while the second will explore the links between work and social inequalities in terms of health.

In addition to the special topic, readers will find articles on the most burning areas of European policy on health and safety at work, together with an international section, reports on trade union initiatives and reviews of works on the subject.

HesaMag is available by post, free of charge, from ETUI. Just e-mail Geraldine Hofmann (ghofmann@eui.org) at the ETUI with your request and include your postal address and she will put you on the mailing list.

2. **Bullying victim compensated**

The NHS, our flagship caring service, has had to pay a worker who was bullied unmercifully by her manager £150,000 compensation. See the report of this at <http://www.workplacelaw.net/news/display/id/25780> Do all our readers find this state of affairs as depressing as I do?

Bullying is on the increase. More than a third of UNISON members who took part in a recent survey reported they had been bullied at work. To ensure compliance with equality

legislation, the same survey results showed that young women and disabled workers were bullied in the same proportion as able-bodied staff – many believed that the simple fact they were disabled was the reason. Well done those employers – it's good to see equality targets are achieved. You can read more about the UNISON survey at

http://www.unison.org.uk/aspresspack/pressrelease_view.asp?id=1605

We hope to produce more guidance on bullying risk assessments soon; watch for the announcement in a near-future issue of this newsletter.

3. Free HSE publications (see newsletter 33 October 2009)

Just a reminder to colleagues that the HSE has begun the process of putting something like 400 documents on their website available to download free of charge. These are the HSE's priced publications – this free access is worth thousand's to safety reps (and to employers as well). <http://www.hse.gov.uk/pubns/books/index-catalogue.htm> gives access to all the free HSE stuff so far; there are about 100 free downloads on the site with lots more to come. Select the category, find the one you want and select that, then follow the next link to see if it's available free.

4. "Wellbeing" in HE

You'll remember that just before Christmas we circulated the report of a one-year HEFCE-funded project on wellbeing, **Creating success through wellbeing in higher education** which was led by Leeds University, and cost £174,000. Download the report from <http://tinyurl.com/y9uxrt6>

We had a few e-mails in response saying that some institutions had established "wellbeing" committees which didn't appear to do very much, and that there was little evidence of benefits to people at work as a result.

Wellbeing became flavour of the month following the publication of the report by Dame Carol Black who investigated work and health in 2008. Our earlier circular expressed the concern that promoting the "wellbeing agenda" is being used by employers to deflect trade union safety representatives involvement, as if "wellbeing at work" isn't almost wholly dependent on how the employer delivers on health, safety and welfare matters. Some concern was expressed at the time of the report that Black failed to focus on key elements of working life that directly led to adverse effects on workers health. It conflated work-related issues with wider issues related to personal factors such as lifestyle choices. One implication of this is that people who drink, smoke, don't take exercise and eat pies are the ones who are imposing costs on employers by getting ill. Underlying that was a subservience to the government's agenda for forcing workers who had been sick back to work in some capacity, rather than them being on leave or claiming benefit.

Critics say that Black failed to adequately address the issues that affect workers at the workplace, and give insufficient weight to ill-health and injury caused by work and how that could be better prevented. They also say she failed to address the lack of effective and positive enforcement of existing regulatory standards by the HSE, and linked to this the failure to provide HSE with adequate resources; the general lack of employer-provided occupational health services and rehabilitation; and by its failure to put any significant emphasis on the role of trade unions. Questions of excessive workload or bullying employers were studiously ignored by Black, even though they affect a sizeable minority of workers, and lead to millions of days of sickness absence every year.

Many critics believe that Black's report was primarily intended to support the government's agenda to get as many people as possible off benefits, and to make people work whatever their state of health, while handing to employers other opportunities to establish more draconian sickness and absence monitoring systems. The other obvious danger of the Black approach is to enable employers to more easily argue that, for example, stress-related illness is not wholly work-related, and that external factors play a part. Our concern with this approach is that employers may well use this as an excuse that they need take less action at the workplace to deal with the stress factors present there – you can just over-proportion the amount of blame attached to the victim.

The government's direct response to the Black report was a disappointment to the unions and the TUC, who said 'Workers made ill by their jobs need early access to rehabilitation and better support to help them get back to work as soon as they are able to' and 'More must be done to stop employees from becoming ill or injured in the first place.' To achieve this, the TUC emphasised the importance of more and better enforcement on employers, and additional resources for the HSE.

In its formal response to the Black report the government said it would:

- replace the old "sick note" with a new "fit note" for staff who are off-work when ill and the hope is that will force GP's to make statements about what work someone who is off-sick could do, and using this to put them back into the workplace, cured-or-not; and do this electronically
- Establish a national centre for working age health - an independent, authoritative body providing a range of core functions related to the health and well-being of working-age people
- set-up a "helpline" on occupational health problems for employers – something that was an abject failure when done as part of the "Workplace Connect" project that was itself an overall abject failure a few years ago; and
- appoint regional directors for work and health and wellbeing – who have turned out to be seconded civil servants, rather than new appointments of knowledgeable and qualified occupational health practitioners, as many of us thought might be appropriate.
- Establish a challenge fund – which will encourage local initiatives that improve workplace health and well-being through innovative approaches to ensure worker engagement.

In reply to a written question in the House of Lords on January 5th 2010 submitted by Lord Dykes about progress on this whole issue, Lord McKenzie of Luton, the junior minister, said that the new "Fit note" would be in place by April 2010, and that 8 out of 11 of the regional Health, Work and Wellbeing Co-ordinators had already been appointed. The rest of his reply was evasive.

As for employers focusing on the promotion of healthy eating, exercise, yoga and Indian head massages as key factors in workplace wellbeing, that, (to use a popular analogy) is as useful as re-arranging the deckchairs on the Titanic. It might be quite pleasant to have your head massaged, but it doesn't absolve the employer of their duty to remove or minimise stress factors at source and manage them effectively. Head massages should be left in the realms of physical pleasure, and not as a control measure for work-induced stress. So I still think there is more than a touch of disingenuity in a project report that says that "our people are our greatest assets" (under the heading Why Now?, Page 4) in a sector that is rife with bullying, threats to health and wellbeing posed by job insecurity, massive work overloads and

much incompetent management, and a consistent failure in many institutions to treat UCU safety representatives with the respect they deserve.

You can review the case studies from a number of universities here

<http://www.wellbeing.ac.uk/casestudies.php>. Count those that mention trade unions. Leeds UCU Branch urged their employer to ensure the "wellbeing" project people met with the trade unions, but this hasn't happened. Leeds University did declare the importance of full and effective trade union involvement and consultation over health, safety and welfare issues when the "new beginning" was launched a couple of years ago. They are now proposing cuts that could lead to an estimated 700 job losses – they have already lost 54. There are also problems with the employer failing to respect procedures; and exploratory talks have already taken place with ACAS. The Branch is now balloting members for industrial action. Stress levels amongst staff remain high, and the immediate prospect is for them to rise. We couldn't possibly comment on the appropriateness of Leeds taking HEFCE money for these wellbeing projects.

It's worth reviewing some of the contributions to the main wellbeing project conference.

<http://www.hefce.ac.uk/lgm/build/event/> give access to verbatim transcripts and videos of the actual contributions. Ones worth checking are the contribution from Leeds University's director of health, safety and wellbeing and the project worker; read it at <http://www.hefce.ac.uk/lgm/build/event/transcripts/gtks.asp> and see the video at <http://www.hefce.ac.uk/lgm/build/event/show.asp?id=07>

If you want to get a feel for how changes in the working environment are being promoted, read the conference contribution by Andrew Harrison at

<http://www.hefce.ac.uk/lgm/build/event/transcripts/ah.asp#maincontent> or see him on video at <http://www.hefce.ac.uk/lgm/build/event/show.asp?id=12> And see this site www.exploreacademicworkplace.com for background essentially dealing with space utilisation. The full DEGW/University of Strathclyde and SFC research report is at http://www.exploreacademicworkplace.com/downloads/the_changing_academic_workplace_2008.pdf

One example of how manipulative and dismissive of staff views and potential concerns this stuff is can be found in this download:

http://www.exploreacademicworkplace.com/downloads/explore_it_general_guidance_on_workplace_change.pdf

The project has now moved into a second phase – this time funded for two years – that seems to be looking at the process of "change" – which I think we all know is the current euphemism for cuts, retrenchment, reorganisation, job losses and speed-up (sorry – increased workload).

The UCU advice line has already had some considerable complaints about the imposition of open-plan office accommodation by a number of employers - Leeds Met; Bradford College, Nottingham Trent for example and there are others – one common feature is the absence of any pre-consultation about the possible impact of such changes on the health and welfare of staff. This project is all about funders and employers deciding what they want to happen, then justifying it with some spurious "academic" research. In fact, this appears to be little more than a strategy to address basic issues like cuts in expenditure and changes in work practice, organisation and culture at the EXPENSE of staff wellbeing, not as part of its promotion. Will this project invite serious trade union participation in the process they are developing? There is little evidence that the project managers have done so yet. We doubt they will if it might mean some objection to, or obstruction of their plans.

This looks like the future for HE. It isn't likely that FE will escape a similar assault.

5. A 'curate's egg' survey on workplace conditions

A survey report (<http://www.workplacelaw.net/news/display/id/25752>) reveals that 28% of respondents said their workplace was dirty; more than half said the toilet standards were at best "adequate"; 35% thought their workplace was unsafe, and 34% were unhappy with their colleagues personal hygiene standards. A fifth also described their colleagues as "dangerous". Quite how this is defined isn't made clear, but if it IS the case, then UCU Health & Safety Advice would suggest that employers either have unsafe working practices in operation, or are not supervising their staff adequately or failing to train staff in appropriate working methods.

The survey of 1,000 UK workers conducted on behalf of Resource GB, a support services company, identified that 40% of UK companies have cut their cleaning and maintenance budgets since the beginning of the recession.

Asked what improvement to their physical environment would increase their productivity and wellbeing the most, 45% of employees opted for more natural light. More than a third (37%) of those working in the financial sector opted to have more plants!

We would agree with the comment made by Resource GB's managing director "Managers must make employee wellbeing an absolute priority." Adequate health, safety and welfare standards are not only essential to protect workers, they are a duty imposed on the employer that all too often they ignore knowing that there is little likelihood it will be enforced. UCU took up the issue of cleaning at Sheffield University when the employer tried to impose severely reduced cleaning frequencies last year, and academic and other staff were invited to do their own dusting and bin emptying. A UCU branch press release quickly brought management to the negotiation table.

6. Agricultural sector news

a) Dangers to farm workers highlighted

Many agricultural workers still die needlessly at work. Farmers are being encouraged to make their New Year's resolution a promise to come home safe from the fields. The HSE has launched the next phase in its 'Make the Promise' campaign with the stark message that people are still dying in farm incidents. Across Great Britain, 38 workers lost their lives in farming-related incidents between January and November 2009 and recently finalised figures for 2008/09 show that 589 people were seriously injured. Deaths on farms continue to be disgracefully high; over the last ten years 455 people have been killed on British farms, many of them children.

Working in agriculture remains one of the most dangerous ways to make a living, according to the HSE. It accounts for around one in five work-related deaths every year, although farming only employs 1.5% of the working population. In 2008/09 the highest percentage of fatal injuries to agricultural workers resulted from contact with moving machinery (27%). The most common kind of reported non-fatal injury to employees occurred through handling, lifting or carrying objects (26%).

Nearly 15,000 farmers have already signed up to the campaign. More are now being encouraged to do the same.

The HSE runs a number of Safety and Health Awareness Days (SHAD's) every year. These are free events which provide an opportunity for those working on farms to get practical advice free of charge from trained instructors with an industry background. They demonstrate simple and cheap precautions to avoid people being killed, injured or made ill on

their farm. There are 10 days currently programmed for 2010 at various venues around the UK. For more information, and to see the diary of events for 2010 visit

<http://www.hse.gov.uk/agriculture/shads.htm?ebul=ag/december-09&cr=01>

b) Rail crossings and agriculture

User-worked rail crossings (i.e. those without automatic barriers) pose a significant risk to road and rail users. As farm vehicles and machinery get wider, longer and higher, it takes more time to cross rail tracks and the risk of a collision is increased. This topic was featured at several 'transport safety' events in 2009, and Network Rail and the Office for Rail Regulation (ORR) hope to run further events for authorised users, mainly farmers, and others such as contractors and utility companies. More information about transport safety events can be obtained from alan.plom@hse.gsi.gov.uk, and general advice on user-operated crossings is available from adam.meredith@orr.gsi.gov.uk at the ORR.

For issues or advice concerning a specific crossing, the Network Rail contact number is 08457 114141.

7. Occupational Health Standards launched

The first set of performance standards for occupational health services have been launched in the UK. These standards, which have been developed by the Faculty of Occupational Medicine in partnership with a multi-disciplinary, multi-agency stakeholder group, were launched last week by Dame Carol Black, National Director for Health and Work.

The Faculty will be encouraging all occupational health services – in both the NHS and the private sector – to familiarise themselves with the voluntary standards, and to work towards complying with them during 2010.

The purpose of the project is to define the standards and minimum requirements that will apply to occupational health services that participate in the UK voluntary accreditation scheme, and to provide occupational health services with a framework for quality assurance.

They are organised in six categories:

- Business probity;
- Information governance;
- People;
- Facilities and equipment;
- Relationships with purchasers; and
- Relationships with workers.

Over the next 12 months, the Faculty will be developing an accreditation system to underpin the standards. The plan is for accreditation to be piloted later in 2010 and operational in early 2011. We'll let you know how this progresses.

Download from <http://www.facocmed.ac.uk/library/docs/standardsjan2010.pdf>

8. Institute of Employment Rights Conference

The Health Agenda at Work
Wednesday 17th February 2010, 9:30am – 4:00pm
NUT Offices, Hamilton House, Mabledon Place, London WC1H 9BD

A tiny percentage of major injuries at work (fewer than 1 in every 15) now result in a Health and Safety Executive (HSE) investigation. The numbers of inspectors has dwindled in recent years, while the numbers of prosecutions taken and enforcement notices issued have continued to fall dramatically. Continuous unsustainably low levels of government funding for the HSE mean worse is likely to come. This conference will contribute to the debate on how we put health and safety at work back on the agenda. A number of UCU members are booked as speakers.

See the programme and book places here: <http://www.ier.org.uk/node/337>

UCU nationally is unable to pay delegate fees or other expenses for this event, but anyone interested in attending should approach their branch or local association for support.

9. 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

8 & 9 Feb 10 – Belfast
14 & 15 July 10 - London

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](#)