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### 1. **Bottom finally falls out of swine 'flu pandemic panic**

Total deaths less than 2 months toll of road deaths. State dismantles advice and drug distribution networks. GP's allow patients into the surgery again. 90 million vaccine doses supplied for a population of 60 million - drug companies rub hands together. What else is there to say?

### 2. **40 die in slips and falls last year**

Slip, trip and fall incidents in the workplace cost 40 workers their lives last year. In addition to the 40 fatalities, slips and trips caused over 10,000 major injuries to workers, and falls from a height seriously injured a further 4,000 workers. Next to construction, education is one of the worst performing sectors.

The Health and Safety Executive says that slips and trips are the most common cause of major workplace injury in Britain, and falls from height are the most common cause of workplace death. Something as simple as falling from a chair used to reach a high shelf can result in serious injury. HSE estimate that the combined financial costs incurred by society as a whole is around £800 million a year.

A new phase of the HSE's Shattered Lives campaign (Phase 3) has been launched to help reduce this toll of injury and death. Go to <http://www.hse.gov.uk/shatteredlives/> for the general site, and to <http://www.hse.gov.uk/shatteredlives/industry-education.htm> for a case study from FE at Hugh Baird College in Liverpool. The site offers practical advice and guidance on how employers can take action to reduce these injuries.

The campaign targets education as one of the 5 worst performing sectors after construction. Other targeted sectors are health and social care, food manufacturing, food retail, catering

and hospitality, building and plant maintenance, and construction. Many of our students are on courses in all these sectors, so the site will be of professional interest to lecturers. Free resources at <http://www.hse.gov.uk/shatteredlives/resources.htm>

We suggest that safety reps focus on this issue for their next regular quarterly inspection.

### 3. Updated asbestos guidance from HSE

Updated HSE guidance is now available to help those responsible for managing the risks from asbestos and best protect those workers who may disturb it.

**Asbestos: The survey guide** is aimed at those who commission asbestos surveys, the surveyors who carry them out and those who use them such as architects and demolition or removal contractors. Very useful information for UCU safety representatives as well. Download a free copy from <http://www.hse.gov.uk/pubns/books/hsg264.htm>

It sets out the role of surveys in ensuring that builders or maintenance workers have all the information they need to minimise their risk of exposure to asbestos and put the right precautions in place, with examples of best practice. It gives advice on how to select a competent surveyor – recommending the use of ABICS certified or UKAS accredited organisations and what the client should expect from them. It also contains greater detail on conducting refurbishment and demolition surveys, what asbestos containing materials look like and where to find them.

Regulation 4 of the Control of Asbestos Regulations contains an explicit duty on those who are responsible for the maintenance and repair of non-domestic premises to assess and manage the risks from asbestos.

It is a legal requirement that information about the location and condition of asbestos containing materials within a building is available to anyone undertaking any work in the building, and to trade union safety representatives.

Asbestos-containing materials were used for a wide range of construction purposes in new and refurbished buildings until 1999 when all use of asbestos was banned. Around 500,000 non-domestic buildings still contain some form of asbestos and though it is unlikely to present a risk to the general public if it remains undamaged, tradesmen are potentially at risk if they disturb it through the course of their work. Asbestos has been the main cause of occupational ill health since the 1950's, and is still the greatest single work-related cause of death, responsible for at least 5,000 deaths a year.

## 4. Recession causes sleep deprivation for professionals

Recession-hit employers are keeping people at work longer and increasing workloads, causing 8.4 million workers to lose sleep in the past year, according to a study by insurer RSA and YouGov. RSA has dubbed the phenomenon WAWAW - wide awake worrying about work.

62% of those who lie awake worrying about work said they lose up to 3 hours sleep a night. Half those losing sleep (53%) said they're working longer hours or are waking up in the night worrying about their jobs. Men are more stressed by their jobs than women, with 62% of men losing sleep over it. Those in higher paid professional jobs are particularly affected by work stress - 60% complain it is keeping them awake at night. The average UK adult needs 7.25 hours sleep a night. Getting less than this affects concentration and productivity. More than a third of the sample said sleep deprivation was making them perform badly at work, but most of them haven't shared their fears with their employer.

A spokesman for RSA commented on the report:

"This research clearly shows that people are so fearful of losing their jobs they are taking work stress home with them and it's stopping them from getting a good night's sleep. Bosses need to be aware of how stressed their employees are getting - lack of sleep makes people forgetful, unfocused and less able to deal with the unexpected. In the workplace this causes accidents and mistakes. Employees shouldn't be afraid to demand that their workload is managed properly."

RSA is warning of the risks for employers of allowing WAWAW to affect their staff, saying that failure to deal with this is a breach of the employers duties of care under health & safety legislation and under the common law.

## 5. Government stymies Black's move against sick workers?

Dame Carol Black, the government-appointed director for health and work, has told Personnel Today that the way the government has handled the introduction of her "fit note" proposal will just become a different version of the current "sick note". The new "fit note" asks doctors to tick one of two options regarding a person's health - either that they are 'unfit for work', or 'may be fit for work taking account of the following advice'. Doctors are then told to list whether the employee would benefit from a phased return to work, altered hours, amended duties or workplace adaptations, but the note does not require them to go into detail regarding which activities an employee can carry out at work.

HR professionals have suggested it will lead to many disputes over what constitutes suitable work following a period of sickness absence.

Black thinks the fit note will amount to little more than a sick note if GPs do not volunteer information about activities they believe workers can carry out. She said: "If the employer

and the employee can't get to a reasonable decision with what is written on the "fit note", then it will really just be a "sick note" deeming them not fit for work.

The fit note is being introduced in a bid to cure the UK's high sickness absence rates. In 2007, 172 million working days were lost to ill health, according to Black's report. She has commented that "I do believe it is a fundamental cultural and mental change that you are no longer labelled sick, and for me that's the most important thing."

That's an interesting concept – it's "sick notes" and the certification of illness that are the problem, not the working conditions and environment that make workers ill or injures them in the first place. How much longer can the Dark Dame peddle these strange ideas?

The TUC has published a guide to the new "fit notes" for union representatives. Read the press release and download link from [http://www.tuc.org.uk/h\\_and\\_s/tuc-17596-f0.cfm](http://www.tuc.org.uk/h_and_s/tuc-17596-f0.cfm)

## **6. HSE now reduced to calling for prayer**

Plough Sunday Worshippers Make the Promise

Parishioners of St. Andrew's Church in Kirkby Malzeard, North Yorkshire, made the promise to come home safely from the fields at their annual Plough Sunday service.

The service, led by Revd Robert Sellers, saw a ploughshare brought into the church to receive a blessing for the year ahead. Judith Donovan, HSE Board member and local resident, said: The 'Make the Promise' campaign is designed to unite communities around the importance of coming home safely at the end of every farming day. This year, Kirkby Malzeard has joined together to 'Make the Promise to Come Home Safe' and I hope that the promise knot can act as a reminder of this in the busy months ahead."

<http://www.hse.gov.uk/press/2010/hse-1222010.htm?ebul=ag/february-10&cr=02>

Professor Andrew Watterson, UCU member at Stirling University commented: "I despair. The HSE through its Board Member Judith Donovan, is now advocating prayer as a means of ensuring workers safety!" Sounds like a suitable follow-up to the pointless pledge.

## **7. Penalties update**

There have been a couple of recent developments in dealing with health & safety and environmental crime which again demonstrate inconsistency by the state and its agencies in its approach to punishing crime.

On the 12th February it was reported that the Environment Agency and Natural England are the first regulators to be given the power to impose fixed penalty notices on firms in breach of environmental regulations. These new powers include fixed and variable monetary penalties up to £250,000, and are an alternative to criminal prosecutions. Such powers were first proposed by Prof Richard Macrory in his 2006 report into regulatory compliance. He concluded fines were too low in some cases and in others the legal process was too onerous. Available at <http://www.berr.gov.uk/files/file44593.pdf> The HSE apparently felt disinclined to request similar powers for itself. There is some anecdotal evidence that the Local Authorities as enforcers were a bit miffed about this, as they would have quite liked this additional enforcement sanction available to themselves, but weren't consulted by the HSE before the decision not to request these powers was made.

The government claims these new powers will give regulators a practical and effective alternative to prosecution. They have been granted under the Regulatory Enforcement & Sanctions Act 2008. They will also be able to issue compliance notices and restoration notices to force firms to make good any damage they have done.

As from 15 February 2010, organisations convicted of corporate manslaughter stand to be fined at least £500,000 and could have to pay millions of pounds under new sentencing guidelines. Most will also get potentially far-reaching 'publicity orders', requiring guilty parties to publicise their offence and punishment. For other health and safety offences causing death, fines could run into hundreds of thousands of pounds and will rarely be less than £100,000.

In what many would see as an unholy alliance, the Hazards Campaign and IOSH both criticised the new arrangements; both believing an opportunity has been missed to ensure punishments have equal economic impact across organisations of different size and to emphasise the need for cultural change in many convicted organisations.

Campaigning organisation Families Against Corporate Killers (FACK) slammed the new sentencing guidelines as totally inappropriate and useless. FACK said fines against wealthy companies have little real impact on their performance – employers have been prosecuted and fined for work-related deaths for years, yet they still continue to behave negligently. What we need is duties imposing on individual directors and senior managers and decision-makers, so that when someone is killed, and the courts find the employer culpable, then as in most other cases of death, custodial sentences can be imposed on the decision-makers.

The definitive guideline is available on the SGC website ([www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk)) along with a summary of responses to the consultation guideline.

Printed copies may be obtained from: the Sentencing Guidelines Secretariat, 4th Floor, 8-10 Great George Street, London SW1P 3AE (tel: 020 7084 8130).

Further information about the Council and Panel can be found at <http://www.sentencing-guidelines.gov.uk/about/index.html>.

## 8. Workers Memorial Day 2010

The theme for 2010 is '**Unions make work safer**'. This is the first WMD since the state agreed it should be formally recognised, and the following resources are available from the Hazards Campaign:

For a leaflet on the background to Workers Memorial Day download from:

<http://www.gmhazards.org.uk/WMD%20ft%202010.pdf>

For the Safety Reps Guide to Workers Memorial Day leaflet, download from:

<http://www.gmhazards.org.uk/SRep%20guide%20WMD%202010.pdf>

Hazards Campaign Press Release download from:

<http://www.hazardscampaign.org.uk/pressrelease/wmdrecognition2010.htm>

For more information see Hazards magazine website: <http://www.hazards.org/wmd/>  
and

<http://www.hazards.org/deadlybusiness/specialinvestigation/index.htm>;

### **H&S Statistics – an alternative view:**

The real GB figures for deaths due to work are much greater than HSE official figures. See Safety and Health Practitioner December 2009 -The Whole Story at:

[http://www.shponline.co.uk/article.asp?article\\_id=8265&viewcomment=1](http://www.shponline.co.uk/article.asp?article_id=8265&viewcomment=1)

To order Purple Forget me knot ribbons:

<http://www.gmhazards.org.uk/wmdribbonof.doc>

To order "Union Workplaces are Safer Workplaces" car stickers go to:

<http://www.gmhazards.org.uk/wmdstof.doc>

For free posters - as on the back of Hazards 109 – A3 & A4 - send your postal address and the number of each size you want to [mail@gmhazards.org.uk](mailto:mail@gmhazards.org.uk) Posters say: 'Organised workplaces are safer workplaces Ask your safety Rep, Don't mess with our safety: we'll bite back' across an image of a face with teeth.

### **Events:**

Events listing at [http://www.tuc.org.uk/h\\_and\\_s/index.cfm?mins=293](http://www.tuc.org.uk/h_and_s/index.cfm?mins=293)

Add yours to the list.

## 9. Factsheets

A new factsheet on visiting sick workers at home will soon be on the website; two more are in the pipeline on dealing with the HSE Inspector.

## 10. 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](http://www.ucu.org.uk/training)

### **Safety Reps 1: induction**

3 & 4 March - Manchester  
22 & 23 April - London

### **Safety Reps 2: the management of health & safety**

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](mailto:jbamford@ucu.org.uk) (t) 0161 636 7558**

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