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1. **Bullying on the increase**

Contact Law, a solicitor-finding service, reports that out of the 14,130 enquiries it received from employees in 2009, 5,652 were either wholly or in part related to workplace bullying.

Dan Watkins, Director of Contact Law commented

"Employers find it hard to prevent the problem arising because bullying is usually done in a subtle and repetitive way that may easily go unnoticed by the victim's co-workers. Bullying actions taken individually can be difficult to spot. The problem often arises because managers in all sectors have had the same instruction: deliver more with less. To implement that in an environment with low morale and overworked staff you will need acute interpersonal skills and social abilities to steer clear of trouble."

In UCU's experience, it is rare for bullying to manifest itself in a physical act of aggression. Most of the time bullying will be verbal, indirect or symbolic, such as undermining someone in front of colleagues, or victimising them in more subtle ways.

Most bullying is hierarchical – managers bullying subordinates. Often it is part of a managerial culture where bullying starts at the top and cascades through the layers of management. Some employers deny bullying takes place; they simply assert it is firm management of staff.

UCU advice is that all Branches and LA's should ensure that their employer:

- has a formal statement and “zero tolerance” policy which is supported by senior management;
- issues a clear statement that bullying and harassment is totally unacceptable;
- investigates alleged incidents thoroughly and immediately, ensuring the complainant is protected;
- ensure any procedures make full provision for union representation and involvement;
- makes appropriate use of grievance and disciplinary procedures, or introduces a harassment procedure;
- deals effectively with bullies, rather than just moving the victim away from their influence;
- trains managers to increase their knowledge and awareness and provide them with acceptable skills and good managerial techniques;
- ensures that the policy and its implementation are monitored and reviewed by a joint body; and
- provide access to support, counselling and advice for victims where necessary, or provides time off for these activities;

More UCU advice on bullying at <http://www.ucu.org.uk/index.cfm?articleid=3314>

2. Workers scared to tell employers about mental health issues

British adults avoid talking to their boss about mental health problems out of fear of losing their job or being considered “mad”, new findings suggest. A survey, published by mental health charity Rethink, shows that nearly six in ten British workers (59%) say they would feel uncomfortable talking to their line manager if they had a mental health condition such as depression, anxiety or bipolar disorder.

Fear of losing their job was the main reason people gave for feeling uncomfortable, closely followed by concern about colleagues finding out about their diagnosis.

Other key findings included:

- Only a third of employees said they would feel “very” or “fairly” comfortable talking to their line manager about a mental health condition;
- Another third said they would feel “not at all” comfortable , and a further third would feel “not very” comfortable;
- More than a quarter of the respondents who said they wouldn’t feel comfortable talking to their line manager said they would be worried about losing their job;
- Nearly one in five was worried that their line manager would think they were “mad”, and the same number were concerned that their colleagues might find out, and
- 16% were concerned that a mental health condition would affect their promotion prospects.

The Disability Discrimination Act 1995 includes disability due to mental impairment, and requires employers to introduce “reasonable adjustments” to enable employees to access work. Reasonable adjustments can include flexible working hours, time off for treatment, and a phased return to work when necessary. More information about disability and mental health at <http://www.equalityhumanrights.com/your-rights/disability/>

3. More social engineering from the IPPR and Unilever

Employers can help to solve the UK’s obesity crisis by achieving improvements in the health and wellbeing of their staff, Unilever and think tank the Institute for Public Policy Research (IPPR) have suggested, following a year-long workplace health pilot.

The latest statistics show that 61% of adults in England are overweight – 24% of whom are obese. In 2009 Unilever launched a workplace health pilot, Fit Business, to help more than 1,600 employees in factory and office settings improve their health and fitness. The results of the pilot, which was evaluated by the IPPR, suggest that business can make a significant contribution to improving the health of their employees.

The study found that Fit Business helped staff to lose weight and cut body fat. The initiative achieved a 26% decrease in the weight of factory workers and a 9% decrease in office workers who were overweight or obese. At the same time, 13% fewer factory workers and 12% fewer office workers finished the scheme with an ‘at risk’ body fat level. Over half (52%) of office workers and 42% of factory workers acknowledged that the pilot had impacted on the quality of their diet. The proportion of office based workers who “successfully made changes to their diet and stuck to them” increased from 29% to 46% during the year.

UCU is concerned that this increasing focus on individual lifestyles, encouraged by Dame Carol Black’s report on Work and Health diverts attention away from the impact that poor workplace conditions have on workers health and physical and mental safety, particularly those things that cause stress and related illness. We have noted that an increasing number of colleges and universities have set up “wellbeing” committees which don’t appear to link back to joint safety committees. Maybe it’s just the cynic in us, but unlike formal joint safety committees established under the Safety Representatives & Safety Committees Regulations, there is no provision for formal trade union representation on these wellbeing committees. If you have a wellbeing committee, let us know what it does, whose involved and what you think about it. E-mail jbamford@ucu.org.uk

4. The new ‘Fit Note’ – guidance from UCU and the TUC

As reported in the previous newsletter, the new “Fit Note” to replace the current “Sick Note” came into force on 6th April. This means that instead of just giving patients a sick note saying they are too ill to work, GPs will have an additional option to decide whether a person

may be fit for some element of work, or work with some support, and what employers can do to help them return. This includes a phased return to work, altered hours, amended duties or workplace adaptations. However, a recent study by Aviva UK Health found that more than half of the 1,000 employee respondents did not think their doctor was in a position to say if they are fit enough to work

The TUC has issued its own guidance to unions about this, and UCU health & safety were involved in producing this advice http://www.tuc.org.uk/h_and_s/tuc-17591-f0.cfm

A separate UCU guide is also available at:

http://www.ucu.org.uk/media/pdf/c/l/UCU_Briefing_on_The_Fit_Note.pdf

The Government has already issued guidance for employers, and is in the process of preparing guidance for employees. We have commented on drafts of both. An interesting footnote: two employer organisations have apparently circulated the TUC guidance to their members alongside their own!

5. Lone working guidance

The British Security Industry Association (BSIA) has published a free guide to help employers understand their responsibilities towards lone workers.

[‘Lone Workers – An Employers’ Guide’](#) provides employers with advice about British Standard BS8484 - the Code of Practice for the provision of Lone Worker Services – and what they should look for when sourcing a supplier.

More than 6 million people in the UK work in isolation or without direct supervision; this guide recognises the importance of keeping such employees safe and secure.

Launching the guide, the BSIA said

"Responsible employers will consider the health and safety of their lone workers as a top priority, and the use of lone worker devices can help by connecting such employees with an emergency response system that has direct links to the Police. BS8484 is the basis on which Police respond to lone worker systems, so it's important for employers to choose a supplier who works to these standards."

Through its work with British Standards, the BSIA has been involved in the creation of the code of practice for lone worker services and played a role in the development of BS8484 by raising awareness through its Lone Worker focus group.

6. In Sickness and in Health? Good work – and how to achieve it

The latest in a series of discussion documents produced by the TUC in their Touchstone Extras series. The concept of 'good work' is not just about ensuring that jobs do not make people ill; it is about organising work in a way that actually promotes good physical and mental health.

This is not a new idea, but in the UK there is no consensus about how exactly good work should be defined, let alone how to achieve it. This pamphlet makes a compelling case for re-examining the relationship between worker and organisation, and argues that the benefits to both workers and employers would be immense. It looks at the links between work and health, and the causes and consequences of sickness absence. It details the different elements that make up good work, contrasting these with those factors that result in bad work. It ends by looking at means of promoting and measuring good work, drawing on a wide range of employment-related research to make the case for a good work standard.

Download from <http://www.tuc.org.uk/extras/goodwork.pdf> . Good work may seem like a concept that is more applicable to those doing relatively unskilled or monotonous and repetitive jobs, but there is increasing concern in our sector that work is becoming "less good" and that overall conditions of service are declining in quality, including employees health and welfare. Here's one example reported in the Workplace Law Network daily update on 27th April:

"Cambridge University academics are currently voting on proposed changes to disciplinary and redundancy procedures, which some say could make it easier for staff to be sacked and made redundant. Currently, university officers can be sacked only for 'conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment'. This will be replaced by 'gross misconduct', which includes a list of disciplinary offences including 'unreasonable refusal to carry out a reasonable instruction' and 'any other act of serious misconduct'.

Critics have argued that the proposed reforms will stifle academic freedom and commented that some staff have failed to note the seriousness of the changes because they were presented as part of a larger, broader document. Supporters of the changes to the University's Statute say they need to be implemented to keep up with employment law and will help to speed up grievance procedures.

The ballot results will be revealed on 7 May. If the proposals are accepted, they're expected to take effect from this summer."

7. Tories plan for employers to sidestep HSE inspections

If the Conservative Party wins the election on May 6th, they say they will press ahead with a scheme to let companies bar HSE inspectors from their premises.

Conservative business spokesman John Penrose said consultation with industry bodies has shown positive support for the proposal to allow “low risk” businesses to commission independent health and safety audits and, if they pass, to refuse entry to enforcement inspectors afterwards except in emergencies.

The idea was first floated by shadow business secretary Kenneth Clarke last October as one way to reduce the so-called “compliance burden” on business. In an interview with the journal Construction News, Penrose said consultees, including those in the construction industry had responded positively to the proposal.

“If a Conservative Government is elected, then we will take these plans forward,” Penrose confirmed.

A Conservative government would expect the HSE to decide how to classify businesses as low-risk and that more consultation with industry and unions, who have been critical of the proposal, would be needed to see how to make the plans work. Leaping vigorously to the defence of his enforcement agency at the IIRSM’s annual conference in November 2009, HSE chief executive Geoffrey Podger described the proposal for third-party safety audits as “quite interesting from the HSE’s point of view”, but added that the idea of inspectors being excluded from company premises “would need some discussion”.

How would colleges and universities fit into such a “low risk” and “enforcement-free” framework, we wonder?

8. More from the supermarket model for tertiary education

Tesco has been fined £95,000 and ordered to pay £24,321 in costs after pleading guilty to serious breaches of the Regulatory Reform (Fire Safety) Order 2005. They pleaded guilty to five breaches of the law and were sentenced at Wood Green Crown Court on 20 April 2010.

London Fire Brigade prosecuted Tesco following a fire and subsequent inspection of a supermarket at Colney Hatch in Barnet. Firefighters were called to a fire at the premises on 14 October 2007. When they arrived they found the premises were locked but managed to get the attention of a shop floor worker who was restocking shelves on the nightshift. Firefighters discovered that there had been a fire in the staff kitchen but it had been put out by staff using extinguishers and a fire blanket. There was still a significant amount of smoke in the kitchen, the corridor and staff locker rooms. Firefighters had to ask staff several times to evacuate the premises.

This incident led to concerns about fire safety within the store and it was inspected by the Brigade the day after the fire. The inspector found a number of breaches of fire legislation. The Order requires employers to carry out a suitable and sufficient fire risk assessment and act on its findings. Other serious deficiencies included a failure to ensure escape routes were kept clear and an inadequate fire separation in the building due to doors being wedged open.

Tesco pleaded guilty to five breaches of the RRO and sentencing took place at Wood Green Crown Court on 20 April 2010. A Tesco spokesperson reportedly said:

"We take safety matters in all of our stores extremely seriously. We would like to reassure customers that this was an isolated incident and all issues at this store have been resolved."

They would say that, wouldn't they? Another candidate for "low risk" status?

9. Hazards conference 2010

UCU will again sponsor 4 national delegates to this year's Hazards Conference, being held at Keele University from 9th - 11th July. You can download the conference information and booking form from

<http://www.hazardscampaign.org.uk/hazardsconference/hazards2010bookingform.pdf>

You need to get approval from your Branch/LA that they support you as a delegate, then e-mail Janet Pantland jpantland@ucu.org.uk - with your details, confirming Branch support. Don't complete the booking form until you have had confirmation from Janet that you are a delegate.

It's first come - first served, so you need to act quickly. UCU will pay your delegate fee and reasonable travel expenses. Branches and local associations can also send delegates independently, of course.

10. Congress

The Health & Safety fringe meeting will take place on Sunday 30 May from 1-2pm. Come and join us for a discussion on:

Space - the final frontier

Cost obsessed employers are increasingly unilaterally imposing open plan offices, often linked to hot-desks. Meanwhile funding agencies commission research to undermine our objections.

Members report increasing problems due to inappropriate working conditions.

We cannot rely on enforcement agencies but must organise locally to develop our safety representatives' organisation. Only then can we put staff health, safety and welfare at the top of the agenda.

11. Information and updating for safety reps

Hazards Magazine - subscribe now!!

The only independent health and safety magazine written with unions and safety reps in mind, Hazards has won national and international awards for campaigning and for journalism. If you want hard facts, the latest stories and nitty-gritty advice for workplace action, it is the place to go. Hazards looks behind the employer hype.

Using a global network of union safety correspondents, Hazards makes sure you have world class info. Highly recommended - and available at special knock down discount prices for trade union branches and reps committees.

For further information email: sub@hazards.org

Subscription Hotline: 0114 201 4265. Subscribe online: www.hazards.org

Risks: The TUC's weekly online bulletin for safety reps and others.

Risks is free every week from www.tuc.org.uk/h_and_s/index.cfm?mins=242

12. 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

14 & 15 October 10 - Birmingham

Safety Reps 2: the management of health & safety

29 & 30 June 10 - Gateshead

14 & 15 July 10 - London

25 & 26 November 10 - Birmingham

Safety Reps 3: preventing injuries and ill health

12 & 13 May 10 - Belfast

3 & 4 February 11 - Birmingham

Safety Reps 4: bargaining for health & safety

10 & 11 June 10 - London

17 & 18 Jun 10 - Belfast

21 & 22 March 11 - Birmingham

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](#)