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1. Staff eye health at risk

A new study, jointly commissioned by the national sight charity the Eyecare Trust and healthcare provider Simplyhealth, reported in the Workplace Law bulletin suggests that 89% of employers are failing to meet their legal obligations to protect their staff's sight. Just 11% of businesses say they meet the six key measures outlined in the Display Screen Equipment Regulations (DSE Regs) even though the penalties for failing to comply include HSE improvement and prohibition notices, and in the worst cases, criminal prosecution. UCU Health & Safety is aware of one university where a number of improvement notices were issued a few years ago.

To combat the visual stress associated with prolonged screen use, the DSE Regs place a legal obligation on all employers to care for the eye health of staff who regularly use a VDU (computer screen) at work. However, the study found many employers (44%) fail to meet even the most basic element of the legislation such as providing regular eyesight tests, and one in ten had no eye care policy at all.

The worst offenders are small businesses, but almost one in five large employers (18%) failed to pay for regular sight tests and 40% said they would refuse to make a contribution towards the cost of spectacles required solely for VDU work.

90% of DSE workers say they regularly suffer 'screen fatigue' – headaches, sore or tired eyes, impaired colour perception and blurred vision.

According to Workplace Law, employers are legally required to:

- analyse workstations to assess and reduce any risk to eye health;
- ensure workstations meet minimum ergonomic requirements;
- provide employees with clear and accessible guidance on DSE regulations and how you, as an employer, comply with them;
- facilitate work routines that allow adequate breaks from intensive DSE work;

- pay for sight tests on request, and, a basic pair of spectacles, if required solely for VDU work; and
- provide health and safety training for all employees who 'habitually' use DSE in their day-to-day work.

Many employers resist according academic staff the status of user, to avoid the duty to provide free eye tests and provide spectacles where these are needed for DSE work. UCU argues that the definition of "user" is someone who habitually uses DSE equipment as a significant part of their normal work – and that is something that academics, researchers and academic-related staff do. But as with much H&S legislation, there is plenty of room for interpretation and negotiation – words like 'habitually' are Humpty Dumpty words that we can challenge as easily as the employer. UCU believes that a large majority of its members, if not all, are users in that it wouldn't be possible for them to do their normal work without recourse to the computer, intranets, e-mails and www. That, in our view, makes them users; and that entitles them to eye tests and spectacles where necessary. But you will need to insist!

2. New motor vehicle workshops guidance

A new HSE leaflet on working safely under vehicles was published at the end of May. Download a copy from <http://www.hse.gov.uk/pubns/indg434.pdf>. The HSE Vehicle Repair website is also useful – with access to other HSE guidance documents at <http://www.hse.gov.uk/mvr/information.htm> although UCU Health & Safety Advice is less than impressed by the example risk assessment paperwork on this site. For example, it doesn't recommend the use of barrier cream for mechanics working with oil – other HSE guidance for using oils does. The only hazardous substances listed are oils and exhaust emissions – what about battery acid, aircon fluids, antifreeze, degreasing materials, brake and clutch dust, welding and cutting fumes – to name but a few. The Battery Charging section doesn't include the risk of explosion due to hydrogen ignition, only overcharging – so recommended controls don't include ventilation and absence of potential ignition sources nearby. Still, it's a start.

3. The ConDem Government and H&S

On Saturday 19th June the Times published an article based on an interview with Lord Young, who has been appointed as special advisor to the Prime Minister on health & safety and compensation issues. He has also been asked to review health and safety legislation and report to the Prime Minister by the end of the summer.

There is much in the interview that we find both surprising and concerning. Many of the comments are simply reiterations of myths and misconceptions taken from the press and, although most of the interview relates to societal, rather than workplace risk, (except for offices – see below) it does also make specific proposals on competency and the emergency

services. Lord Young goes further than the present proposal to review the way that the Health & Safety at Work Act is applied to the police by stating "I want to exclude all the emergency services from health and safety". Firefighters and others will look forward to that.

Among the comments attributed to Lord Young in the interview are:

"People occasionally get killed, it's unfortunate but it's part of life." (?)

"I got beaten at school and it didn't do me any harm. Frankly, if a teacher clips a boy around the ear he doesn't get upset. He understands it."

"Do you know anything dangerous in offices? Yet every piece of electrical equipment in an office has to be checked every five years. There are risk-assessment officers all over the place. It's nonsense."

He also suggests that US Coastguards are responsible for the current oil spill in the Gulf of Mexico rather than BP, because they tried to put the original rig fire out! Read it at <http://www.thetimes.co.uk/tto/news/politics/article2562837.ece> - but thanks to Murdoch's decision to charge for access to his newspapers websites, you'll need to register first. I gave completely fictitious information. Remember that this global media baron is still completely hostile to trade unions – please don't give his organisation any money. I have a Word copy if anyone wants one – drop me an e-mail and I'll send it to you.

The TUC has comprehensively refuted any ideas that there is a compensation culture in the UK. It is simply part of a media frenzy built around apocryphal stories about local authority excesses and compensation claims – some suggest that this trend goes back to an episode in Coronation Street many years ago where a character who was portrayed as an idle layabout claimed a sum of money after tripping over a paving stone, which led to a huge upsurge in claims. The Association of British Insurers doesn't recognise the "compensation culture", and when Blair repeated this in parliament, he was later forced to retract and apologise.

See the TUC pages at http://www.tuc.org.uk/h_and_s/index.cfm?mins=258 for other links, and read "The Compensation Myth" at www.tuc.org.uk/extras/compensationmyth.doc

We have previously highlighted Cameron's pre-election statement that some "low risk" workplaces may be exempted from inspection and regulation by the HSE – this article would suggest that the idea is still under consideration.

4. Back to basics: I must insist!

UCU is aware of, and views with some concern the fact that there are branches and local associations that don't currently have any safety representatives, a branch health & safety officer, or other formal organisation for workplace health, safety or welfare. We should NOT

squander the opportunities that the Safety Representatives and Safety Committees (SRSC) Regulations provide for us to organise. This is the only piece of UK industrial relations legislation that offers unions a clear and unequivocal opportunity to build an organisation unencumbered by the pervasive qualification “reasonable”. And it is so simple.

All the union needs to do is to find one or more members prepared to have a go at being the safety rep, then write to the employer and tell them who they are, and which group or groups of members they represent. Everything else follows on from that.

How good is it? The SRSC Regulations give safety reps a range of statutory functions to investigate and represent members; they also impose statutory duties on employers to facilitate and support safety representatives’ activities in the workplace. None of these are qualified by the word “reasonable”. Compare your local agreement with the standards in the SRSC Regulations.

Time-off? Such time off as shall be necessary to function and be trained.

Facilities? Such facilities and assistance as reps reasonably require.

Information? All information within the employer’s knowledge.

Documents? Copies of any document the employer is legally required to keep.

Consultation? In good time on a wide range of issues.

Investigating? Any health, safety or welfare related problems they discover.

Representing? Any problem they think the employer needs to address

Does anyone have a local agreement that permits reps to go round the workplace in working time to investigate issues and talk to members for as long as it takes, FOUR times a year? SRSC Regulations give that function to safety reps.

All managerial decisions and actions have, to a greater or lesser degree, some implication for the health, safety or welfare of our members. So safety reps can be used in a wide range of activities to support the local organisation and make it more effective. And don’t forget it is often the case that resolving a minor health & safety problem can have a big effect on the quality of working life for staff, and is good for retention of existing members and recruitment of new ones.

Where employers resist safety reps activities, or try to limit what we do, or fail to observe the legal duties imposed on them, then we need to **INSIST**. There are many ways to insist. For example, if the employer fails to permit a safety representative such time-off as shall be necessary to undertake their functions, the rep can insist by completing an IT1 to initiate an employment tribunal case.

If the employer continually fails to undertake stress risk assessments, we can insist by asking the HSE Inspector for some help. Liverpool Hope University was taken formally to task by the HSE Inspector last year.

After a long struggle with bullying at Leeds Met, the local BBC TV news picked up the story and ran items over a number of evenings – that helped UCU’s insistence that the problem be tackled. The VC eventually resigned, but the University denied that event had any connection with staff discontent and the bullying managerial culture they complained about. Well, they would say that, wouldn’t they?

Given the hostile focus the new government is putting on “elf-n-safety”, (even though they haven’t got it right) it’s possible we might lose the SRSC Regs, but even so, now is NOT the time to retreat from our campaign of insistence. For too long employers have got away with dominating the agenda; it’s time we changed that.

See the H&S pages on the UCU website for much more information about UCU organisation for workplace health & safety; the SRSC Regulations; safety rep functions and other aspects of being a trade union safety representative -

<http://www.ucu.org.uk/index.cfm?articleid=2132>

I will produce a couple of “Back to Basics” factsheets soon.

5. TUC 2010 Safety Reps survey

Just to remind you all that there are only a few days to go to the final date for completing and submitting the TUC biennial survey form – July 1st. If you haven’t already done so, please make the effort to contribute your experience. It’s mostly a tick-box form, so doesn’t take long to complete.

This is important as it helps identify current issues and concerns and plot the trends, while indicating what areas need information updates and development to assist union safety reps in the best possible way.

Complete the form online at <http://www.tuc.org.uk/safetyrepssurvey2010> or download a pdf copy from <http://www.tuc.org.uk/extras/safetyreps2010.pdf> and post it back to LRD.

6. Last newsletter for this academic year

This is the last newsletter before the summer, but I will continue to circulate e-mails when anything interesting or informative comes round. Don’t forget that UCU Health & Safety Advice isn’t normally available over the summer, as our contract is not for the full year. I will be on duty until 23rd July, then hopefully back on-line from 20th September. I will, however, monitor the mailbox occasionally as my other job continues over the summer. If there is

anything particularly urgent, you can also use the telephone helpline, or leave a message if I'm away. I'm on the Shropshire Union canal for two weeks in early September. You are all welcome to come for a beer if you see Tsumeb (but not all at once!)



We'll no doubt come back to some news from Lord Young of Graffham and his review conclusions. Looks like that could be interesting.

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

14 & 15 October 10 - Birmingham
6 & 7 January 11 - Glasgow

Safety Reps 2: the management of health & safety

14 & 15 July 10 - London
25 & 26 November 10 - Birmingham
3 & 4 March - Glasgow

Safety Reps 3: preventing injuries and ill health

14 & 15 September 10 - London
3 & 4 February 11 - Birmingham
14 & 15 April 11 - Glasgow

Safety Reps 4: bargaining for health & safety

14 & 15 December 10 - London
21 & 22 March 11 - Birmingham
26 & 27 May 11 - Glasgow

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](#)