

Contents

1. **European Health & Safety Week: National Inspection Day**
 2. **HSE Latest Statistics Released**
 3. **The Equality Act: Employers warned against using pre-employment health questionnaires**
 4. **Not enough time in the day!**
 5. **What chance improvements in H&S now?**
 6. **Work-related stress latest**
 7. **Quis custodiet ipsos custodes? Fire and the State**
 8. **Consultation on company reporting procedures**
 9. **Employers' duty to protect staff against possible violence**
 10. **UCU health and safety training courses**
-

1. **European Health & Safety Week: National Inspection Day**

This year's European H&S Week is 25th – 29th October.

The TUC designated the Wednesday of European Week as National Inspection Day, and asks affiliate unions to encourage all union safety reps to organise a workplace inspection on that day. UCU does encourage all its safety reps to be involved in this, and to organise an inspection at their workplace. It's also a good opportunity to work in co-operation with other unions in the college or university, especially Unison, Unite and the GMB.

The TUC National Inspection Day 2010 poster is at

<http://www.tuc.org.uk/extras/inspectionposter2010lowres.pdf> and their Inspection guide is here <http://www.tuc.org.uk/extras/insbooklet30auglowres.pdf>

http://www.ucu.org.uk/media/docs/e/c/hsfact_workinspect.doc for the UCU factsheet on safety reps inspection functions;

http://www.ucu.org.uk/media/docs/7/d/hsfact_workinspect_approach.doc for more detailed guidance about doing an inspection

http://www.ucu.org.uk/media/docs/6/n/Doing_your_first_inspection.doc is as useful for established safety reps as for new ones

http://www.ucu.org.uk/media/docs/f/9/hsinspect_form.doc for a report form badged UCU – otherwise the standard HSE model form.

Maintenance at work

The TUC says that during their 27 October inspection, union reps should ensure that their employer has a maintenance programme in place. Maintenance activities can put workers at risk, but not carrying out maintenance may put even more workers at risk, as people will have to work with dangerous equipment. A planned maintenance programme is therefore part of a good safety culture, but must be done safely. Things like cleaning and cleanliness, window cleaning, ensuring furniture is in a good state of repair, and other similar functions should be included - things that are essential maintenance of the working environment, if not part of maintaining the fabric of the buildings and structures. See *Maintenance in the workplace: A guide for health and safety representatives*:

<http://www.tuc.org.uk/workplace/tuc-18233-f0.cfm> for further information.

UCU has some sample checklists for inspections as follows:

http://www.ucu.org.uk/media/docs/5/3/ucu_firecheck_1.doc on basic fire precautions

http://www.ucu.org.uk/media/docs/0/a/hsfact_temp_vent.doc on indoor temperature and ventilation

http://www.ucu.org.uk/media/pdf/o/g/hsfacts_violenceatwork.pdf for an introductory survey on workplace violence that could be the basis of a workplace inspection.

The TUC Hazards at Work manual contains a wealth of checklists that can be used or adapted to particular workplace circumstance – as you know, UCU encourages all Branches and LA's to ask their employer to provide them with a copy of this as a necessary facility and assistance for UCU safety reps. From the TUC health and safety pages at

<http://www.tuc.org.uk/workplace/index.cfm?mins=124&minors=4&majorsubjectID=2> select a topic on the menu on the left of the screen, and that will give you access to a chapter in the Hazards at Work manual; most of the checklists are linked from the chapter.

The NUT has a schools inspection checklist that is excellent quality and relates the general legislative requirements to schools – this is useful for all educational premises. You need to copy and paste this link into your browser – it won't open from here.

<http://www.teachers.org.uk/files/active/0/nut-safety-insp-list2-04.doc>

The HSE produces information for reps and Inspectors, and this includes checklists and guides. We listed these, with links, in Item 5 of Issue 33 (October 2009) of H&S News at

http://www.ucu.org.uk/media/pdf/2/7/henews33_oct09.pdf

National Inspection Day is a great opportunity to show employers we are serious about the work that UCU safety reps do, and to let members and staff see that we are actively working on their behalf. Please **do** organise some activity for Wednesday 27th October. Notify your employer **now** that you intend to undertake a workplace inspection on that day, and start to organise for that.

2. HSE latest statistics released

a) Provisional fatal injury figures 2009-10

Provisional figures for Great Britain for the period show a decrease in the rate of fatal injury to workers but a rise in agriculture deaths. At 151 deaths directly resulting from injury sustained in the workplace, this is the lowest number ever recorded. These headline statistics do not, however, include the many thousands of people who die every year on the roads whilst at work or from occupationally- related illness. See

<http://www.hse.gov.uk/statistics/hubresults/0910.htm> for the full report.

Agricultural deaths: These latest HSE figures show that the situation in agriculture has hardly changed over the past 6 years – the average number of fatalities for the years 2004 – 2009 is 37; this year’s total is 38. A majority of those killed were self-employed. Agriculture also killed 7 members of the public. More detailed information from

<http://www.hse.gov.uk/press/2010/hse-fatals0910ag.htm>

UCU, along with many other trade unions continues to question the validity of the HSE figures for work-related fatalities. The provisional total of 151, compared to 178 for 2008/09, are NOT the total national figures for those killed by work and should not be reported as such. The UK Statistics Authority in its assessment of the HSE’s compliance with the code of practice for official statistics published in May 2010, said that the “HSE does not produce an overall figure for work-related fatalities in Great Britain.” (Para 1.3.4) The report made a recommendation that the HSE “investigate the feasibility of producing statistics on the total number of work-related injuries and fatalities, including those not reportable under RIDDOR”

Hilda Palmer, Chair of the national Hazards Campaign, in an article entitled ‘The Whole Story’ published in Safety and Health Practitioner; December 2008 (at

<http://www.gmhazards.org.uk/The%20Whole%20Story%20SHP%20December%202008.doc>) wrote:

“HSE reports only those killed whose deaths must be reported under RIDDOR, while we include all worker-related incident deaths and estimate this to be up to 1,500 a year even in the recession. Almost all work-related deaths are not accidents, and could and should have been prevented but workers do not only die in incidents due to a lack of safety, many tens of thousands more die of illnesses such as occupational cancers, heart disease and lung diseases caused by poor working condition, up to 50,000 per year we estimate.”

b) Non-fatal injuries January - March 2010

The quarterly non-fatal injury series provides an early indication of the latest trends in accidents to employees reported under RIDDOR. Following a downward trend over the past 5 years, major injury figures started to increase again from April 2009. This report covers the period January - March 2010, and looks back over the past 5 years.

<http://www.hse.gov.uk/statistics/riddoranalysis.htm>

3. The Equality Act: Employers warned against using pre-employment health questionnaires

Employers are being urged to withdraw pre-employment health questionnaires now, before the introduction of the Equality Act in October, or risk falling foul of the law. The warning follows research by Manchester-based solicitors Pannone LLP, which revealed that over two-thirds of employers ask candidates pre-employment health questions as a matter of course.

A clause to prevent employers asking job candidates general questions about their health that are unrelated to the job role was inserted into the Equality Bill by the House of Lords during its passage through parliament. From October, employers will only be able to ask such questions to check that a candidate can perform an "intrinsic function" of the job, for example the ability to lift or carry things. Pannone suggest that questions about a candidate's previous sickness or absence record may also fall foul of the law.

It will mean those with mental-health issues, a medical condition or a disability will not be forced to disclose their condition prior to an offer of employment, unless it hinders their ability to do the job. Disability campaign groups have long argued that employers regularly discriminate against people with medical conditions, often just to avoid having to make reasonable adjustments in the workplace, as required by the DDA. In cases of complaint to the Equality and Human Rights Commission, they can be investigated, and the EHRC has the power to prosecute employers. The burden of proof will be on the employer to show there was some reason other than discrimination for non-selection of a candidate with a disability.

This will bring UK legislation into line with some of the more progressive, non-discriminatory standards in places like the USA and New Zealand that have had such provisions in place for years.

In this area, where health issues crossover into other employment matters, I have in the past, been accused of having extremely critical opinions about HR practitioners, and of being very unfair towards them and the job they do. Much of my antipathy is a result of personal experience of two senior HR managers; one in a college and one in what is now a university; but also from the experience of UCU branch reps who contact me with enquiries, many of which show that HR managers are a part of the problem.

This link <http://www.hrworld.com/features/30-interview-questions-111507/> demonstrates exactly how straight-forward and principled HR managers are in the specific area of pre-employment equality standards. The feature is entitled "*30 Interview Questions You Can't Ask and 30 Sneaky, Legal Alternatives to Get the Same Info*". Is this the standard they adopt in other areas of their work, I wonder? Otherwise, I don't need to comment.

4. Not enough time in the day!

It is not only lecturers in FE and HE that are working extended days beyond their contractual obligations. Research published in early August by Reed Specialist Recruitment has found

that many workers are taking work home at night, because they have too much work to get done in the normal working day. The study of 3,000 workers also found that one in four employees is at their desk by 7.30 a.m. and doesn't get away until at least 6 p.m., with 40% not even leaving their desks at lunchtime to get a proper break – the average break lasting just 33 minutes.

Almost half say they "can't live without email", with the majority citing it as the biggest transformation in the world of work during the last 50 years – putting it above equality laws and the advent of cell-phones.

In addition, the research also found that 48% want to spend more time working from home and 43% are keen to give up the traditional 'nine to five' in favour of less rigid working patterns, but more than a quarter (27%) say they couldn't face working without office banter.

Commenting on the findings, the head of Reed Specialist Recruitment pointed out that "Advances in technology have led to significant changes in working life, enabling people to have more control over the shape of their careers and ending more traditional, restrictive approaches to working arrangements." He might have added that the removal of such restrictions disproportionately benefits employers in a number of ways, including the extension of the length of the working day; it relieves pressure on workspace and allows for developments like open-plan offices and hot-desking, and transfers more general costs to employees. On the other hand, the relative isolation of home workers is not good for trade union organisation, and it also damages the beneficial social interaction that occurs in the workplace.

5. What chance improvements in H&S now?

The change of government has already thrown-up some interesting factors in relation to workplace health, safety and welfare, and we have circulated information about these previously. Thatcher's favourite minister Lord Young has now completed his limited and cursory investigations and is due to report on these on 8th September – we will keep you informed of what he recommends to Cameron. Reports from unions suggest that he wasn't really interested in talking to them about their views, and his ability to absorb information seemed limited. Having been corrected by IOSH that they have only around 6,000 qualified safety advisors, not 35,000 as he claimed, he continued to use the incorrect figure when addressing meetings.

For a year or more before the election, the Conservatives had been using Freedom of Information requests to both NHS and local government employers about the costs of paying trade union representatives wages whilst on union business. There have been a lot of comments on websites, by those who habitually respond to newspaper articles or consider themselves so important that they write their own opinions on websites about this, basically saying it is a waste of taxpayers' money and shouldn't be allowed. The self-styled Taxpayers

Alliance is only one of these. In the face of the forthcoming cuts, there will be enormous pressure on public sector employers to further restrict reps paid time on union business in as many ways as possible. That is almost certain to spill over into universities and colleges.

The other major effect of cuts will be on the enforcement of occupational health and safety. Local authority cuts will affect Environmental Health Departments, which employ a large number of enforcement officers, but these have little to do with either HE or FE. The big question will come after the initial reduced budget allocations to the major departments in October. Only then will the DWP decide its own internal allocations, and that includes the HSE budget. If we think HSE don't perform well now, wait until the final allocations are announced early next year. Assuming the DWP internal allocations are applied with a policy of equal misery, a 25% cut for the HSE would be a further assault on their ability to regulate effectively.

I wouldn't hold my breath about other possible changes. I think we were all a bit mystified (but grateful!) through the 80's and 90's as to why the Thatcher and Major governments left the HSE tripartite arrangements and safety reps alone when their Governments attacked trade unions so systematically; could be they saw employee involvement at that level as marginal and lacking any real influence, so just left it alone. However, I don't think the boy Dave and his sidekick Nick will be so kind to us. With Young's report coming up, with his dismissive approach to unions in his conduct of that, Cameron is only too well aware of us; I'm just watching the space. I reckon it is possible we could even lose the SRSC Regulations if they move against trade union facility provisions in law, especially as these are so much better than those for other union representatives. And if we did, I wouldn't count on any future Labour government reinstating them. So will the Safety Representatives & Safety Committees Regulations survive this ConDem coalition? That's a very good question.

Even more bad news? From 1 September, the government intends to introduce a "one-in, one-out" system with regard to regulations affecting business. This means that when ministers want to introduce new regulations that impose costs on a business or the third sector, they have to first identify a current regulation with an equivalent value that can be removed.

They say this is to ensure that "benefits to business will be offset against the costs to business" of the new regulation. This will only apply initially to domestic legislation but the government says it intends to expand the system "in due course".

To further ensure that "the costs of red tape are being properly addressed", the government has also established a set of "principles of regulation" that departments must apply when considering new rules. The "independent" Regulatory Policy Committee will act as an external scrutineer to look at the evidence supporting any new regulatory proposals, prior to policy decisions being made. It will also deal with proposals for the implementation of EU legislation. 3 of the 6 members have impeccable business backgrounds in privatised sectors –

so how independent?

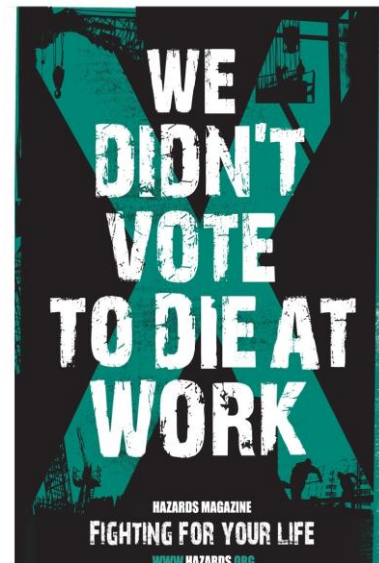
<http://regulatorypolicycommittee.independent.gov.uk/rpc/committee-members>

For more general information, see: <http://nds.coi.gov.uk>

How do we respond to this kind of attack on regulatory standards? At the Hazards Conference in July, the “We didn’t vote to die at Work” campaign was launched as an initiative to oppose government intentions to weaken regulation and enforcement by cuts. Hazards Campaigners have been to the union H&S specialists meeting to promote the campaign. So far campaigning materials are black T-shirts and free A4 posters, with this artwork.

T-shirts are available from the Hazards Campaign, and are £6.00 including postage and packing. T-shirt sizes are Small, Medium, Large, XL, XXL and XXXL. To purchase one, send your name and address with a cheque payable to “Hazards Campaign” to:

Hazards Campaign
Greater Manchester Hazards Centre
Windrush Millennium Centre
70 Alexandra Road
Manchester
M16 7WD



They will send you a few free posters as well. If you cannot afford a T-shirt just ask for some posters.

An order form is here http://www.hazardscampaign.org.uk/docs/wdvtaw_tshirts.pdf

The TUC has organised a lobby of the Liberal Democrat conference in Liverpool on Sunday 19th September. The “I didn’t vote to die at work” campaign has agreed to join this lobby, and will be contacting the Association of Liberal Democrat Trade Unionist, an organisation that has supported the Hazards Conference and Campaign in the past, to ask them to join in. It’s at Liverpool Arena and Convention Centre, Monarchs Quay, Liverpool, L3 4FP. Assemble from 12 noon to lobby delegates. More information at

<http://www.tuc.org.uk/economy/tuc-18392-f0.cfm?regional=5>

6. Work-related stress latest

6(i) European Agency for Safety & Health report

Published towards the end of 2009, this report is a useful overview of what’s happening at the European level. Based on 2005 research, the results show that workers in the Education and Health sectors suffered the highest rates of stress, anxiety and irritability of any sector – don’t you just love that “irritability” category?

Chapter 7 makes some attempt to identify new and emerging psychosocial risks to health from additional research. The main risk factors identified were grouped into the following five areas:

1. New forms of employment contracts and job insecurity
2. The OSH risks for the ageing workforce
3. Work intensification, high workload and work pressure
4. High emotional demands at work, violence and harassment
5. Poor work-life balance

UCU would say that almost all of these factors already have an impact to some degree on staff in FE and HE. It's a big file, but you can jump directly to chapters in the full report at http://osha.europa.eu/en/publications/reports/TE-81-08-478-EN-C_OSH_in_figures_stress_at_work/view

The osha/europa factsheet 74 is a good summary of the report findings and is available at <http://osha.europa.eu/en/publications/factsheets/74/view>

6(ii) More new research findings

Men are four times more likely than women to phone in sick due to work-related stress, a new survey has suggested.

In a survey of 3,000 workers by healthcare cash-plan provider Medicash, 20% of men admitted to taking two sick days in the past month because of stress. Work-induced stress was also found to be causing twice as many men as women to drink more, with one in five men saying they needed a drink after work most days.

31% of women and 24% of men saying they often feel stressed. For women, dealing with difficult customers or clients is the most common trigger, whereas for male colleagues a heavy workload causes the most problems. Top four causes of work-related stress are the same for both men and women, only slightly differently ordered. The top four ranked work-stress triggers for women (male ranking in brackets) were found to be:

1. Dealing with difficult clients/customers (3)
2. Heavy workload (1)
3. Computer freezing in the middle of an important job (4)
4. Boss demanding too much extra work (2)

While this may be useful confirmation that nothing much has changed over the past few years, Medicash continues the tradition of drawing the wrong conclusions - that employers need to focus on secondary interventions dealing with the symptoms their behaviour has caused. Whilst acknowledging that unremitting pressure can seriously affect health, and that work-related stress leads to sickness, long-term absenteeism and can cause dependence on alcohol or drugs, they go on to say that incorporating healthy eating and exercise into your

daily routine and talking to someone about how you feel can help towards counteracting the effects of stress. So lettuce, jogging and a chat counter the effects of excessive workload do they? They also emphasise encouraging a work/life balance, having open channels of communication between staff and managers, and providing access to counseling services, before reluctantly admitting that "Bosses have a duty of care and responsibility to look after their workforce and have systems in place to address stress at work." That should mean removing the sources of stress in the work and management processes – primary interventions. Nothing else will do.

6(iii) HSE almost admits employers' behaviour may be responsible

The latest e-mail (1st September 2010) from the HSE's stress-solutions discussion group starts "As you will be aware research seems to show that management behaviour can be a cause of stress to team members....." – if that's not a reluctant admission, I don't know what is. Can we hope that the HSE is finally coming round to what we in the trade union movement have known for years? If you want to contribute, the HSE discussion group is open for anyone to join – register at

http://webcommunities.hse.gov.uk/connect.ti/stress_solutions

I'd just like to say that all this research and anally-retentive activity "revisiting the problem" really does get quite tedious. We all know when a problem exists – the real issue is the need to deal with it, and put a stop to employer-driven actions that cause stress. Branches and LA's need to seriously challenge those employers who treat their staff badly by condoning bullying and overly critical cultures of management; who impose excessive demands; who develop a façade of action that disguises their very refusal to tackle the problems; who fail to work constructively with our representatives; who constantly complain it's not their fault, and the myriad other factors that cause lots of our members such distress. The bald fact is they are either incapable of doing anything, or they deliberately don't do anything, safe in the knowledge that the HSE won't act against them other than to encourage risk assessments. That seems to me to be a good enough reason to get angry, and get even.

7. Quis custodiet ipsos custodes? Fire and the State

Numerous breaches of fire safety legislation in court buildings and prisons have been revealed following a Freedom of Information disclosure made to the Communities and Local Government department, (CLG) the department of state responsible for fire legislation and its enforcement.

The development comes after news broke in June of an enforcement notice detailing extensive breaches of the Fire Safety Order at CLG's own headquarters in London, and a subsequent BBC investigation on "Face the Facts" at the end of July which found other government buildings in breach of the legislation. (You can listen to the programme here -

<http://www.bbc.co.uk/iplayer/console/b00t386s>)

Many of the 15 enforcement notices disclosed have been served on the Ministry of Justice or HM Prison Service. They include a number of failures to undertake suitable and sufficient fire risk assessments breaches; lack of training in emergency procedures for staff; inadequate evacuation plans and other matters. UCU members who work in prison education should take notice.

You do have to say that, if the department that administers the law, produces the guidance for employers, and is responsible for enforcement through local fire and rescue services cannot get it right, what hopes for the rest of us? See the list of notices issued at <http://www.communities.gov.uk/corporate/foi/disclosure-log/disclosurelog2010/enforcementnotices?/>

8. Consultation on company reporting procedures

The government has announced a consultation on what employers annual reports should cover in terms of their performance. The consultation is being conducted by the Department for Business, Innovation and Skills (BIS), and, it says, is primarily for the benefit of shareholders and those who use company reports. BIS says the consultation has three objectives: driving up the quality of narrative reporting, including on social and environmental issues, to the standard of the best; empowering shareholders; and achieving greater coherence in company reporting requirements without increasing the regulatory burden on business. It says it will consider 'non-regulatory as well as regulatory' options to achieve these objectives.

The TUC has long campaigned for employers to be required by law to report their health and safety performance and any related enforcement action. Although some now do include elements of their H&S performance in annual reports the TUC considers that the current voluntary requirements are inadequate, and that employers in large organisations should give far more information about what they are doing in respect of their statutory duty to manage health and safety.

You can download a copy of the consultation document, (it is only 30 pages) from <http://www.bis.gov.uk/Consultations/the-future-of-narrative-reporting-a-consultation> It isn't essential to respond to every question, or even to use the response form provided; a letter or e-mail will do providing you make it clear that it is a contribution to this consultation. It would be very useful to get some trade union oriented responses on the reporting of health & safety and environmental issues in annual reports. Any responses could also emphasise that any such reporting by organisations should include colleges and universities, (many of which are comparable in size, staffing levels and turnover to large businesses) not just private sector companies. Closing date for submissions is 19th October 2010.

9. Employers' duty to protect staff against possible violence.

A recent case reported by Thompsons Solicitors highlights the duty on employers to assess the risks of violence against staff, and to provide training where a risk is identified. Mrs. Hunt, a care home worker who was attacked by a resident, has been given £12,500 in compensation after her employer accepted they had failed to assess the risk of a violent incident taking place, and had not provided her with training on dealing with aggression. She was held in a headlock and punched by an elderly resident, resulting in serious and disabling neck and shoulder injuries. The company settled out of court – usually seen as an admission of guilt, and often a move by employers to avoid even higher levels of compensation being awarded.

Reporting the award, Thompsons commented that the failure by her employer to assess risk or provide any training to deal with aggression left her unprotected against the possibility of a violent assault. She had been put in a dangerous situation by her employer. They failed to carry out any proper assessment of the risks she faced and failed to give her training in dealing with aggressive residents.

We recommend that UCU safety reps check on the status of their risk assessments in respect of violence, especially where incidents are known to have occurred.

10. UCU health & safety training courses

Being a UCU health and safety rep will give you a range of legal rights to monitor health and safety at your institution. Completing a UCU training course on health and safety will give you the knowledge and skills to fulfil the role of an H&S rep effectively. To find out more about being a UCU health and safety rep and to see what training is available in your region, go to <http://www.ucu.org.uk/index.cfm?articleid=4918>

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](#)