

Contents

1. Yeti-nother bit of advice about our Siberian winter conditions
 2. 'Flu back on the agenda
 3. HSE retrenches: A step back for health and safety in the North West
 4. HSE press release blitz; but health issues ignored
 5. Fire alarm contractor convicted under Fire Safety Order
 6. Air conditioning system inspections now overdue
 7. UCU needs more safety reps
 8. Changing managers' behaviour – one more time
 9. Mental health and hidden discrimination among FHE staff
 10. Training in 2011
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Welcome to our first newsletter of 2011, and we wish all our readers a happy, healthy and safe new year. Let's begin with a dreadful pun.

1. Yeti–nother bit of advice about our Siberian winter conditions

As the snow continues to fall into 2011, we thought a little reminder of what employers really should be doing would be helpful. This follows some advice issued by a North West solicitors firm who specialise in personal injury cases.

Slips and falls account for over a third of workplace incidents and injuries, and employers who fail to take appropriate measures to prevent them could risk compensation claims if they fail. The advice is that:

"Car parks should be gritted or salted to reduce snow and ice coverage. Extra care should be taken over places where there is a greater risk of danger, such as steps or slopes. Care should also be taken to prevent slipping in instances of transfer of snow or water off shoes on to polished floors as people enter buildings. Absorbent mats should be placed inside doors to collect water off shoes. Regular checks should be made to ensure that the mats haven't become too damp and are failing to absorb the water."

They also recommend that employers or building managers should keep documentary evidence to provide proof, if needed, that such procedures are not only in place but are being carried out. That sounds like a document that UCU safety reps need access to.

They also warn:

"Failure to carry out these precautions will render an employer or building manager liable to compensate the injured person. The lack of any documentary evidence may mean that an employer or building manager can't satisfy a court that systems were in place to prevent the injury, resulting in them being found liable and having to pay compensation."

<http://www.maceandjones.co.uk/law-firm-s-extreme-weather-warning-for-employers-as-big-freeze-arrives.html>

Although this might be seen as an indirect plug for compensation business, anything that encourages employers to take steps to ensure that their employees and others are not put at risk is to be encouraged. Although we believe (and the evidence shows) that the so-called “compensation culture” is a figment of the imaginations of some employers, politicians and the yellow press, if the fear of compensation claims for injury caused by falls on icy surfaces means our employers clear away snow and ice and salt surfaces to keep them clear, then that is to be welcomed.

See http://www.direct.gov.uk/en/NI1/Newsroom/DG_191868 for the Government’s advice on clearing snow – it’s nearly as good as the advice we produced in the November newsletter. We always give credit where it’s due, so thanks to Lord Young for providing this step-by-step guide before he departed this political mortal coil – can’t imagine what we would have done without it.

2. ‘Flu back on the agenda

The government has re-launched its flu prevention campaign, as reported cases continue to rise. To try to reduce the spread of flu, the ‘Catch it, Bin it, Kill it’ campaign has been re-launched in the form of national media adverts.

The Health Protection Agency (HPA) says that levels of seasonal flu are continuing to increase across the UK. The HPA has been notified of an increase in the numbers of people who have died as a result of ‘flu since Christmas. Quite a few of these people were infected with the H1N1 strain and some with the less potent Influenza B. All except one case were under 65 years of age and four were under the age of five. BBC News reports that this is not an excessive rate and within normal expectations, although as schools and businesses return to work, there are concerns about the potential for ‘flu to spread.

David Hutchinson of business consultancy firm Glen Abbot Ltd. has commented that employers should not panic. He said “We are in the ‘flu season and the ‘flu virus thrives in cold weather, so it is hardly surprising that there are a number of cases being reported. He emphasised that employers should “Beware the hype, but monitor the situation. The H1N1 strain of ‘flu is still around. However, it isn’t yet close to causing any significant problems for businesses.”

It wouldn’t hurt for all employers to revisit and review their ‘flu pandemic plans so as to minimise the risk to our members. For more information, the TUC guidance remains available at <http://www.tuc.org.uk/workplace/tuc-13401-f0.cfm> and the HSE pages are at <http://www.hse.gov.uk/news/2009/swineflu.htm>. Under the heading “Assessing the types of control measures needed within the workplace” there is a link to the Department of Health guidance booklet for employers.

3. HSE retrenches: a step back for health and safety in the North West

Two days before Christmas, civil service union PCS revealed that the HSE has plans to close two of its three offices in the North West of England. The union believes this will lead to increased injuries and ill-health at work. Closing the Preston and Manchester offices and centralising regional operations at its headquarters buildings on Merseyside will not only mean the loss of local jobs, but also any savings made by HSE will be neutralised by increased days lost to injury and illness in the wider region.

Paula Brown, chair of PCS's HSE branch commented that the HSE's own study had shown that at least one in five staff will seek to leave following the move to Bootle, with the figure rising to more than half of lower paid staff. The loss of skills and local knowledge will take years to replace. These losses come on top of the loss of hundreds of skilled and experienced HSE staff who left the organisation rather than move to the North West when HSE centralised its headquarters operation at Bootle.

While the union acknowledges HSE faces financial difficulties with the savage 35% funding cut imposed by the coalition government, it says this move shows the overriding concern is cost, rather than maintaining or improving the health, safety and welfare of workers. PCS has proposed the retention of smaller offices in all three locations, as that approach will maintain quality of service while still making savings possible.

Where the North West leads, others will be sure to follow. UCU reps need to ensure they keep in touch with HSE office closures in their own regions to ensure that contact with the inspector is maintained. We will try to monitor what's happening in other regions and publish information as we get it. You can still get the telephone number of your local office from the HSE's InfoLine on 0845 345 0055, but as the current term of this contracted-out service ends later this year, it too may become a victim of HSE cost cutting and not be renewed.

4. HSE press release blitz; but health issues ignored

The HSE is urging employers to 'start the New Year as they mean to go on' when it comes to health and safety. They say 'there is no room for complacency'.

The more than 40 press releases target specific places, including towns and cities, counties and regions. Some, like Cornwall get two releases – one on their own, and one linked with Devon. The releases give statistical information about death and injuries, but say nothing about health issues; that in itself would indicate a degree of complacency on the part of HSE, given the high rates of stress-related conditions and countless other illnesses caused by work.

Check what the HSE says happens where you live at <http://news.hse.gov.uk/>.

5. Fire alarm contractor convicted under Fire Safety Order

A fire alarm system contractor has been convicted under the Regulatory Reform (Fire Safety) Order 2005. The electrical contractor was sentenced at Manchester Crown Court and fined £5,000 with £6,000 costs. He had pleaded guilty to two charges of failing to maintain a fire detection and alarm system at a care home in Greater Manchester, and failing to inform the

owners of the system's deficiencies.

http://www.messengernewspapers.co.uk/news/8777672.Former_firefighter_fined_for_alarm_failure/.

Following a fire at the home in May 2009, fire service enforcement officers commissioned an expert examination of the fire alarm control panel. This revealed a number of faults including a fuse over-ridden by a length of wire, an electronic component not secured correctly to the circuit board, a fault warning alarm buzzer missing from the panel and the fault warning light painted over.

The prosecution said that the contractor was an electrician who had taken over the maintenance of the system in 2006, and had issued several annual certificates of worthiness to the care home owner. He really should have known better, as he was a former retained firefighter!

This case indicates that, where an employer outsources the maintenance of a workplace fire alarm system (and many do, often to the company that installed it), the requirements of the legislation are extended to the contractor concerned. Could well be worth UCU reps checking that college or university alarm systems are properly maintained and tested, and records and reports of the condition completed and kept. UCU reps should be given access to these records as it is information within the employers' knowledge about a workplace health and safety issue. Accompanying the engineer on a routine maintenance or inspection visit might be a useful workplace inspection activity, and would help you learn more about the alarm system. Talk to your employer about arranging one the next time the engineer makes a visit.

UCU Fire Precautions checklist:

http://www.ucu.org.uk/media/docs/5/3/ucu_firecheck_1.doc

6. Air conditioning system inspections now overdue

New requirements to inspect lower rated air conditioning systems came into force on the 4th January 2011. The requirement, under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 follow from the EU Energy Performance of Buildings Directive. They require inspection of all air conditioning systems with rated outputs over 12kW at intervals not exceeding 5 years. Employers and landlords were given almost 2 years grace to undertake the inspections by the implementation date of 4th January.

The new lower threshold means that most air-conditioned spaces of over 2,000 square feet should now have an air conditioning certificate. This change has brought a lot more systems into the inspection requirement.

Despite a long standing requirement to inspect more powerful systems, CIBSE, the Chartered Institute for Building Services Engineers (the professional and standard-setting body) believes that fewer than 5% of employers or building controllers comply with the statutory requirement. With the introduction of the lower threshold, CIBSE believes it is the ideal time to introduce a requirement for mandatory lodgement of air conditioning inspections. This will provide a central register to enable much better information on air conditioning installations

to be collected, and help monitor compliance. CIBSE has called on the government to introduce such a requirement. For more information, see:

<http://www.cibse.org/index.cfm?go=publications.view&item=372>

In response, the Government has announced that it will take forward proposals for mandatory lodgement of reports following an industry-wide consultation, but the timescales are still to be determined.

Sick building syndrome (SBS): Air conditioning systems are responsible for what has become known as 'sick building syndrome', a problem recognised by the World Health Organisation in 1982, and provide an ideal environment for all sorts of germs and bacteria that cause health problems including breathing difficulties, headaches, sore throats, stuffy noses and itchy eyes to breed. They are also extremely efficient at distributing them around the workplace. Unless properly adjusted aircon also dries the air to the point where it adversely affects the eyes and upper respiratory tract, again causing major irritation and discomfort. It has been estimated that around 70 per cent of people in the West now work in air-conditioned offices, and sick building syndrome costs employers millions of pounds a year in reduced productivity and sick days.

UV potential cure for sick building syndrome: In the USA, the inclusion of UV light into systems to kill bacteria is increasingly common. A UK study published in 2003 in *The Lancet* suggested that ultraviolet lights installed in office ventilation systems do kill the germs that breed in air conditioning systems. Experiments in 3 offices where UV lights were introduced showed a 20 per cent reduction in all symptoms. There were 40 per cent fewer complaints about respiratory problems and a 30 per cent reduction in people complaining of stuffy noses. Muscular complaints also halved, according to the study. Researchers said the cost of installing the lights could, in the long run, prove cost effective compared with the yearly losses from absence because of building related illness.

<http://news.bbc.co.uk/1/hi/health/3240188.stm>

Menzies and others. Effect of ultraviolet germicidal lights installed in office ventilation systems on workers' health and well-being: double-blind multiple crossover trial. Lancet, Number 9398, Volume 362, pages 1785-91, 2003.

Go to <http://www.hse.gov.uk/pubns/books/hsg132.htm> for a free copy of the HSE guidance on controlling SBS.

Legionnaires' disease: Water-based systems are the principal cause of outbreaks of legionnaires' disease, a potentially fatal respiratory infection caused by the Legionella bacteria that grow in the tepid water of cooling systems, and which are then released into the atmosphere as aerosols.

Where appropriate, we suggest safety reps ask for the air conditioning system certificate of inspection, to check that it has been done, and is in order. Add this to your local inspection checklist.

If members complain of symptoms, we recommend that reps use body mapping to establish the scale and extent of any problems. For more information see Hazards magazine factsheet <http://www.hazards.org/diyresearch/bodymapping.pdf>.

For a very simple guide for employers, see <http://www.hse.gov.uk/pubns/iacl27.pdf>
More detailed information and guidance for safe standards is in the HSE publication 'Legionnaires' disease. The control of legionella bacteria in water systems'. Available as a free download from <http://www.hse.gov.uk/pubns/books/I8.htm>.

7. UCU needs more safety reps

While our organisation has been developing well over the recent past, and the number of new health & safety reps attending our training courses has increased, we still need more local reps to enable us to develop more effective organisation and improve our impact. Workplace health, safety and welfare problems are NOT resolved by having a national H&S advisor; they are resolved by organising, investigating and negotiating at the workplace – that principal of jointly controlling workplace conditions is a key part of the philosophy behind the Health & Safety at Work Act. Apprehensive that employers would try to restrict worker involvement, the Government introduced one of the most powerful piece of industrial relations legislation ever, the Safety Representatives and Safety Committees Regulations 1977, setting out a raft of statutory functions for trade union safety representatives, and imposing a number of absolute duties on employers to support and facilitate the activities of safety representatives, so as to ensure employers have to listen to and deal with them. Remember, our *raison d'être* is to:–

- keep employers up to the mark and ensure they do what is necessary to maintain a safe workplace without risks to health and with adequate facilities for ensuring the welfare of staff;
- take up issues to improve our members' and potential members working environment and conditions, aiming at all times to achieve best practice, and;
- ensure the union has a strategic intervention into the way the employer deals with working practices, conditions and the management of the occupation health, safety and welfare of workers. Local teamwork is what counts, with a team of health & safety reps working within the branch or LA as part of the day-to-day union organisation and bargaining.

We need to look carefully at **every** decision the employer makes, as it will inevitably have some implication for the health, safety or welfare of the staff. This may be a direct impact, such as a decision to cut cleaning costs and clean offices and toilets less frequently, or vague threats of cuts or reorganisation, the uncertainty thus created increases the stress levels of all staff, which in turn lead to illness and sickness absence.

Employers in the tertiary sector are still breaking the law and being brought to task by the HSE inspectors – for evidence of that see the HSE's Register of Prosecutions and Notices databases at <http://www.hse.gov.uk/enforce/prosecutions.htm>. What these don't show are all the other actions HSE inspectors take to make employers comply – for example, following advisory visits they frequently require employers to take specific action to deal with a potential or actual hazard – and much HSE enforcement is of this 'non-recordable' kind. That whole approach effectively hides much employer misbehaviour from public view.

Employers are still not addressing the conditions they have created that cause stress and related illness; things like excessive workloads, aggressive managerial techniques, threats and bullying that create a climate of fear, failing to work in an equal partnership with the unions' safety reps – these are all symptomatic of the decline of collegiality and the shift towards hierarchical management. That shift leads employers to see the union as a permanent oppositional force – but no wonder when they behave as they often do. The way an employer should deal with stress is simple; they should remove the practices that cause it. Instead, they procrastinate and do anything **BUT** deal with it at source, the while developing elaborate structures and procedures designed to mask their failure to deal with the problem. The sad fact is that the HSE often swallow this pretence, and publish it as a success case study on their website.

The lack of transparent risk assessments seems to be not only poor generally, but almost non-existent in some institutions; and the dreaded “wellbeing” agenda keeps driving forward, apparently without employers thinking it necessary to involve union reps in it.

On the positive side, UCU safety reps, working with reps from the other unions in the workplace do make a difference, and do get employers to take remedial action. Effective health and safety reps show everyone that it is possible to deal with issues and get results – and that's a great way to enthuse members and encourage others to join the union. Health and safety reps are not technical experts, although as they gain experience they will start to develop some technical expertise. Safety reps are first and foremost representatives, they raise issues and make a case for resolution in negotiation with the employer. Once people understand that they don't need a huge grasp of technical issues, they will be more likely to volunteer to have a go. (See, for example, our factsheet for new reps on doing a first inspection

http://www.ucu.org.uk/media/docs/6/n/Doing_your_first_inspection.doc). So that's the challenge for UCU branches and LA's – to recruit new health and safety reps and develop our workplace organisation – only then can we tackle some of the real problems members face, and make the workplace safer, healthier and more staff-friendly. Please, put this on your Branch or LA agenda for a discussion.

8. Changing managers' behaviour – one more time

This looks like becoming a regular feature of our newsletter – something new seems to crop-up every few weeks. ACAS, the service that advises employers on how to behave, has launched a new online resource aimed, they say, at making it easier for managers to support their staff.

'Top tips for better management' <http://www.acas.org.uk/index.aspx?articleid=2966> brings guidance and practical resources together from ACAS, the Chartered Management Institute (CMI), Chartered Institute of Personnel and Development (CIPD), Department for Work and Pensions (DWP), Health and Safety Executive, and Affinity Health at Work.

It links to further information and identifies a 'five-a-day' programme to help managers improve their skills and the motivation of their team. ACAS claims there is a lot of advice out there, and this latest initiative brings the best of it together into one place. They say it will

make it much easier for managers to find the guidance they need to get the most out of their staff. By changing a few simple behaviours line managers can really get the best out of their people.

A spokesperson for the CMI commented:

"We know from our research that managers are looking for information on how to maintain motivation levels among their teams, in particular. The imperative now is to make sure that managers get the information they need, plus appropriate and useful resources so that they can get the best from their staff in the New Year. This new online resource should really help them cope with some of the challenges ahead."

ACAS say this resource was created in response to issues raised in Chapter 3 of Dame Carol Black's report on health in the workplace, which linked line manager behaviour to employee health. <http://www.dwp.gov.uk/docs/hwwb-working-for-a-healthier-tomorrow.pdf>

We'll see if these "top tips" have any effect. Reports of changing line manager behaviour – for better or worse – welcomed by UCU; send them in confidence to jbamford@ucu.org.uk.

9. Mental health and hidden discrimination among FHE staff

We are looking to develop a better understanding of the problems of discrimination, victimisation or harassment facing staff with hidden and/or mental disabilities working in the Further and Higher Education sectors.

We are therefore seeking to collect and analyse data on the equality issues faced by FHE staff with hidden and/or mental health disabilities, and the successful outcomes that have been obtained by UCU intervention. If you have comments or information in relation to the problems faced by FHE staff with such disabilities, or examples of best practices in the sector, at the branch or institutional level, we would like to hear from you. Please email (in confidence): For HE: Stefano Fella, sfella@ucu.org.uk; or for FE: Dan Taubman, dtaubman@ucu.org.uk.

10. Training in 2011

Key dates and events for health and safety reps over the next twelve months are available here: <http://www.ucu.org.uk/index.cfm?articleid=3140>

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: (e) jbamford@ucu.org.uk (t) 0161 636 7558

Visit the **UCU Health and Safety web page:**
<http://www.ucu.org.uk/index.cfm?articleid=2132>