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1. HSE annual statistics report published

The latest figures from HSE show that work-related deaths increased from 147 in 2009/10 to 171 for 2010/11, an increase of just over 16%. The trend in reported non-fatal injuries continues its downward trend, just over 1,500 down on last year, with the rate per 100,000 employees now under 100 for the first time. Deaths due to mesothelioma have increased to around 2,400. The report says that male deaths under the age of 55 have been falling since the early 1990's – but this probably only reflects the relative long latency period between exposure and the disease being diagnosed. Mesothelioma has always been a disease that manifests itself primarily amongst older and retired workers. One infamous recommendation from an expert advisory panel in 1968 said the government should think about restricting the use of asbestos to workers aged 40 or over. This recommendation was based on the medical knowledge that in most cases mesothelioma took around 40 years or more to develop. (*Problems arising from the use of Asbestos: Memorandum of the Senior Medical Inspector's Advisory Panel. Paragraph 56. HMSO: October 1968*)

The only measure of stress-related illness and absence, the figures extrapolated from the Self-reported Work-related Illness, which is part of the Labour Force Survey, shows that the number of new cases of stress, depression and anxiety have fallen from 254,000 in 2001/02 to 211,000 a downward trend. The total numbers have shown little change over the past 10 years.

<http://www.hse.gov.uk/statistics/causdis/stress/index.htm>

The LFS is only a survey of those who either are working or have worked in the previous 12 months, so the increase in the number of people who have lost their jobs in the past couple of years may account for part of this decline. The education sector remains in third place, behind the Health & Social Work, and Public Admin sectors.

<http://www.hse.gov.uk/statistics/causdis/stress/stress.pdf> for more detailed information that confirms pretty-much what UCU reps already know – that stress-related issues and absence remains a major issue for UCU, and shows there is a lot of employer-failure about. The link above takes you to the Stress and Psychological Disorders report – this is the document that appears to have replaced the HSE’s former “Psychosocial Working Conditions in Britain” survey that for most of its existence reported the failure of the Stress Management Standards approach to have made any significant progress in reducing work-related stress. See, for instance, pages i & ii in <http://www.hse.gov.uk/statistics/pdf/pwc2009.pdf> This current version now glosses over history and merely states the HSE “(consider) that take up (of the HSE Stress Management Standards) by employers in GB will lead to reduction in total number of cases of work related stress over time”. (Grammatical error in original)

Access the full report at <http://www.hse.gov.uk/statistics/index.htm>

2. UCU survey of members’ perceptions of student behaviour in FE

UCU was successful in bidding for funds from LSIS to work on a model whole college behaviour policy. Student behaviour is one of the main issues that UCU members complain about, and in some circumstances is one significant cause of stress to our members.

The aim of the project is to develop policies around behaviour that are consistent and coherent throughout the college, and stress the promotion of good behaviour by colleges. Part of the project is to survey UCU members about their perceptions of student behaviour and their strategies for dealing with this. We need as many responses as possible from as wide a range of institutions as possible, so it would help if you can find about 20 minutes or so to complete the survey for us.

The final date for responses is 27th January 2012, but if you can do it well before than it will help in collating the responses. Something to do in the post-Xmas doldrums?

The survey is at: <http://www.ucu.org.uk/wholecollegepolicy> Complete the survey in one go, as it won't let you back in.

3. Lofstedt again and more sniping at regulation

My report in the previous newsletter was, I admit, a little flippant; there were obvious issues in the report that cause some concern. I just thought we should celebrate the fact that he’s clearly upset Cameron and Grayling by NOT being the hatchet-man they expected or by not bowing to their prejudices, and saying that, by and large, the system works OK and isn’t over-regulated. –see <http://www.dwp.gov.uk/docs/lofstedt-report-response.pdf> That doesn’t seem to give the enemies of worker protection much room to wriggle, but they, predictably, have managed to do so.

The Government has now announced its intention to expand and extend the Local Better Regulation Office’s (LBRO) Primary Authority scheme as part of a package of plans to

transform 'front-line enforcement' for businesses. During the summer the Government asked businesses to outline where reform of enforcement is needed as part of the 'Transforming Regulatory Enforcement' consultation. In a response published on 7th December, the Government said it wants businesses to become more like customers, rather than being simply on the receiving end of the regulatory enforcement system. (That's what burglars want too)

Its plans include:

- a review of all regulators, not just to examine the case for continued existence but to make sure each one is making the fullest possible use of alternatives to conventional enforcement methods, working with business and others, and reducing State activity wherever possible; *(that's what HSE do now – focus on advice, persuasion, education, cajolery etc.)*
- making more use of 'earned recognition' for businesses, so that if businesses are already compliant, regulators recognise this and focus their inspection activities elsewhere; *(they mean self-regulation)*
- moving to a presumption that regulators should work with business through 'co-regulation' wherever possible; *(they mean collaborate with employers not their victims, who the HSE are SUPPOSED to protect)*
- working with businesses, through local enterprise partnerships and local authorities, to promote better local regulation; *(they mean self-regulation again)* and
- establishing the principle that no business should face a sanction for simply having asked a regulatory authority for advice. *(protected conversations?)*

On this final point, the Government said exceptions to this principle would be defined and would most likely include where there is an emergency or imminent risk to health and safety. So that's alright then.

4. The Black-Frost Report

We told you in the last issue that the Dark Dame and her businessman partner-in-crime have reported on their investigations into sickness absence and made suggestions about how to change the system to, (to put no finer point on it) force those enjoying long periods of sickness absence back to work at the earliest opportunity. It really is quite tedious and turgidly written – perhaps to discourage people from reading it. However, I've struggled through it, and here's a brief summary. Get your own copy here <http://www.dwp.gov.uk/docs/health-at-work.pdf> I'm really left wondering why the report uses the jargon "fit note", not calling what it really is, a medical certificate that confirms an illness or injury that prevents someone from working – perhaps it's just an attempt to show they have the common touch.

They recommend lots of things, including technical points on the operation of the benefits system. Pretty much all their recommendations are under the heading

"Supporting employees at work", just in case you haven't quite made the connection that that's what all this is about, rather than trying to put employers in the clear, getting people off benefits and saving the state and employers money. I'll highlight the main "political" points as I see them.

To ensure your GP doesn't allow more humane or medical considerations based on the doctor-patient relationship to enter into the "signing-off" procedure, the recommendation is to remove your GP from the process of certifying long-term sickness after 4 weeks, and put you in the hands of an "Independent Assessment Service", which would *"provide an in-depth assessment of an individual's physical and/or mental function, and provide advice about how an individual on sickness absence could be supported to return to work"* (Summary of recommendations 1).

"Fit-note" guidance should move away from only considering job-specific assessments, and GP's should think "outside the box". I think that means there could be a recommendation that you to be sent back to work as something completely different, but see below for their recommendation for a "job-brokering" service. (Recommendation 2)

Employers should get the tax relief currently given to Employee Assistance Programmes extended to include the costs of medical treatments, vocational rehabilitation and other things that help employees stay in or return to work. This is yet more focus on secondary and tertiary interventions at the expense of primary intervention - getting rid of the causes. The language is also being manipulated to define secondary interventions as ways that employers manage a problem; rather than what they really are; dealing with the consequences. That's a subtle and inappropriate change, as it has shifted the focus away from prevention, to a permissible state of managing. This allows employers to claim they are acting within the legal framework. Lets be clear; secondary interventions are NOT managing the problem, they are dealing with the consequences of managerial inaction. I look forward to the day that the Dark Dame stands-up unequivocally for employers to reduce excessive workloads or sack bullying supervisors and managers - the primary interventions that the Management Regulations require. Other recommendations are to abolish a tax break currently given to small employers for very high sickness rates, and record keeping for SSP purposes should be abolished. (Recommendations 4, 5, 6 & 7)

Government should address misconceptions around sickness absence management, especially legal uncertainty. This appears to mean they should explain more clearly how employers can sack sick workers without risk of facing an employment tribunal claim; and introducing some statutory compensation ceiling. The report refers to "protected conversations" that cannot be used as evidence in a tribunal application. They go further in recommending the state set-up a "job-brokering service" to enable workers to be shipped around onto other work with other employers. Just think about that for a minute. Can you imagine the level of enthusiasm amongst employers for accepting a new worker who has a history of illness caused by stress factors? Is this really a sensible recommendation from supposedly intelligent people? We could see ex-academics as litter-pickers on Piccadilly Station, or sitting on a supermarket checkout on a slightly-above minimum wage. This seems to clutching at straws to get the sick back to work. (But see below) (Recommendations 8, 11)

They also recommend that the government investigate occupational sick pay schemes in the public sector. Is that a prelude to changes in these schemes being introduced – first they came for my pension, now they're coming for my sick pay? (Recommendation 10)

It's clearly implied in that workers exploit occupational sick pay schemes by having more time off. And, surprise, surprise, the lower skilled you are, and more routine, tedious and boring your job, and the less control you have over what you do, the more likely you are to go off sick. So would I! (Chapter 1: Paragraph 14)

Although the word Stress occurs 20 times in the document, Black-Frost predictably manage to slip in the old chestnut about stress being caused by workplace or external factors – always good to keep your options to blame the victim open. I don't believe they still haven't grasped that what we, and they, should be concerned about is the factors peculiar to the workplace that cause stress and lead to ill-health; that's what needs to be controlled. Only by doing that can employers ensure that those "external factors" where they may exist are NOT exacerbated by what happens at work. Meanwhile, those very work factors that DO cause stress and related effects in employees who have NO external factors for the employer to fall back on when apportioning blame, continue to cause harm and damage. This whole report smacks of cynical attempts to absolve employers from taking full responsibility for what they cause.

Apart from highlighting the fact that stress is a large and growing problem particularly in the public sector, the report makes no recommendations to employers about how to deal with, apart from saying they are promoting management best practice in dealing with stress (Page 35) while completely failing to identify exactly what that best practice is. The condition that according to the recent CIPD and Simply Health survey is now the main reason for sickness absence, (which Black-Frost recognise) they skip over. Despite the fact that work-related factors cause stress and related illness and absence, the report makes no reference to the employer's statutory duty to take action – called primary intervention – to deal with the sources of stress. Black-Frost focus on secondary and tertiary interventions – trying to repair the damage caused. That is NOT an adequate response, but then Black, as one of the "Servants of Power" (Loren Baritz: Wesleyan University Press, 1960) and Frost as a representative of employers must have been under pressure to downplay any suggestion that employers themselves could possibly be responsible for a huge tranché of work-related illness and absence.

Apart from 'Fit note' that appears 24 times, some dreadful MBA-managerialist jargon peppers the paper – engagement (3), stakeholders (3), worklessness (3) and the dreadful "incentivising" (ugh).

5. Safety reps role under attack

While Lofstedt was quite positive about trade union safety representatives, following the hugely successful one-day strike by public sector unions Cameron described time-off and facility provision for trade union reps as a public subsidy which is morally and economically unsustainable.

Cameron told parliament the public-sector strike strengthened the case to reform the government grants given to trades unions. Asked if the situation needed to be reviewed, he replied: "I do not think full-time trade unionists working in the public sector on trades-union business, rather than serving the public, is right, and we will put that to an end." He couldn't have been clearer.

Some of us were surprised when both Thatcher and Major left the tripartism of the HSE alone for 18 years; perhaps they were playing by the Queensbury rules – you've knocked them down with fisticuffs, now walk away. Cameron and Co look like they want to behave like the most vicious and unprincipled football hooligan and put the boot in, presumably on the principle that you have to make sure they never get up again. Meanwhile, they are preparing the ground and softening us up to start giving taxpayer's money via public funding to their political organisations. Perhaps political organisations should do what Cameron suggests unions do – do it in their own time and pay for it themselves.

Read the report at <http://www.shponline.co.uk/news-content/full/row-breaks-out-over-union-rep-funding>

6. The four dog defence

I loved this when I read it. Even when caught with their hands in the till, employers constantly try to shift the blame for the effects of their actions on staff. The 4-dog defence allows them to take successive steps along the path of denial when they get caught, and ultimately blaming the victim for their own injury.

1. My dog does not bite

A bit of stress is positive and challenging and sharpens your performance; keeps you on your toes. This isn't a stressful workplace; the conditions aren't damaging; nobody else is suffering (because we don't tell you they are). We just adopt a robust approach to managing the organisation.

2. My dog bites, but it didn't bite you

OK, we'll concede there are a couple of problems to deal with, but there isn't much evidence that people have been harmed, sickness records don't show there any real problems here, etc.

3. My dog bit you, but it didn't hurt you

Whatever has happened to cause your stress-related illness, the primary causes must be external; what happened to you here just gave you the excuse to say it was us.

4 My dog bit you, it hurt you, but it wasn't my fault

It was a rogue manager or supervisor; other circumstances outside our control like funding cuts driving reorganisation and increased workload; or it's your own fault for being a wimp, unable to stand-up to the stress factors – lots of other people work here, and they haven't gone under – so what is your problem?

I've adapted it for stress from "The Delay Game" by Jennifer Sass and Daniel Rosenberg, a report on how the chemical industry in the USA attempts to avoid the regulation of toxic substances; published by the Natural Resources Defence Council (NRDC), a not-for-profit organisation, in October. www.nrdc.org/health See the review on Page 32 of the current issue of Hazards.

OK – perhaps not my best effort – but if one of you thinks you could spice it up a bit over Christmas – let me have your version in the new year.

7. HSE reinstates the Hidden Killers campaign

At the HSE board meeting on Wednesday 7th December, the HSE Chief Executive announced that permission had been received to reinstate the successful "Hidden Killers" campaign on asbestos which had been stopped by the politicians in May 2010. Perhaps someone realised that it wasn't a good idea to keep potential victims and voters in the dark about this dreadful material if they want to attract votes next time.

Work will now start on re-running this campaign in 2012. That's primarily aimed at maintenance workers like electricians,, plumbers and joiners who may disturb asbestos-containing materials while doing general maintenance, updating and refurbishing buildings or replacing old or damaged equipment, but is a good focus for joint union activity. <http://www.hse.gov.uk/asbestos/hiddenkiller/index.htm> for more information about the campaign, and for more general information on asbestos see <http://www.hse.gov.uk/asbestos/index.htm>

8. H&S Courses starting in 2012

The next Health & Safety Induction course is in Glasgow, 16th & 17th January 2012, and is being run by Stevenson College. The tutor will be Maureen Watson. There are a few places still available; to enrol on the course, contact training@ucu.org.uk or complete and post the form you can download from here http://www.ucu.org.uk/media/pdf/a/n/H_S_courses_all_regions_2011-12.pdf Accommodation is provided for those who need it, and travel expenses reimbursed.

9. And finally.....

UCU Health & Safety Advice wishes all our reps and readers a Merry Xmas and a peaceful and happy New Year, and encourages employers to adopt New Year resolutions to be more positive and co-operative towards our reps and members.

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