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1. Electro-magnetic fields and their effects

There was a recent enquiry about the potentially deleterious health effects of electro-magnetic fields (EMFs) and their sources – electric cabling; TV and DSE screens; pylons and overhead power transmission lines; cell-phone base stations; wi-fi systems; cell-phones held next to the ear, and others. A number of people claim their health has been severely damaged by exposure to non-ionising radiation, with claimed effects from leukaemia to what amounts to whole-body ill health.

I'm not a physicist, so I am unable to give any definitive advice based on specific science, but I am aware that there is both a continuing debate about EMF's and health, and a wide variety of opinion that stretches from an unquestioning belief that they cause harm, to an unshakeable belief that they don't. UCU health & safety is unable to give definitive advice in such cases, but we do point those making enquiries in the direction of the many sources of information available, from the World Health Organisation, via technical information providers and sites like Powerwatch and other campaigning websites, to individual blogs. Research reports regularly provide contradictory findings. Trying to find a way through this, I discovered this last week, which seems to me to be a reasonable statement of the current balance of knowledge <http://www.theiet.org/factfiles/bioeffects/emf-factfile-page.cfm>

Cell-phones may irradiate the brain with non-ionising radiation that may cause cancer, and at least one former telephone engineer firmly believed that huge amounts of time spent on a cell-phone was responsible for causing his brain tumour; and in October last year, an Italian court ruled that a businessman's brain tumour was caused by cell-phone use. Where the state of knowledge is so contentious, I prefer, and would always recommend, the exercise of the precautionary principle; so I rarely use a cell-phone. Of one thing I am sure; like asbestos and Thalidomide, cell-phones generate huge profits (and tax-dodging opportunities in some cases) for the organisations that operate and promote them.

2. Hazards Conference 2013

UCU sponsors 6 places at Hazards conference; this is the call for delegates. As in previous years, anyone wishing to be a UCU delegate needs to ensure they have the support of their Branch or LA, and ask their Branch or LA Secretary or administrator to send an e-mail to James Taylor, H&S admin person at Head Office, nominating them and confirming they have branch/LA support. We take the first 6 nominations in the order they are received; any more will go on a waiting list in order, and will be offered places if any of the 6 have to drop out.

The conference booking form containing information about the event, lists of workshop topics and other activities is on the Hazards Campaign website here:

<http://www.hazardscampaign.org.uk/hazardsconference/2013bookingform.pdf>

Information about previous years is here

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

We will send out a UCU-specific booking form to our 6 delegates when they have been approved, so wait for confirmation from us.

3. DSE workstation assessor training

Already at a high level for most lecturers, Display Screen Equipment (DSE) use is set to increase as more employers impose on-screen and on-line marking of exam scripts, essays and other student work. There is a legal duty on employers under the DSE Regulations to conduct workstation assessments; that duty applies wherever a member of staff uses DSE for even a short period. It is **not** the case that the duty to assess workstations only applies where the worker is a "designated user"; that was the UK government's original interpretation of the EU directive, but that was wrong, and the EU required the UK to amend the DSE Regulations in 2002, so it was clear the duty applied to all cases where DSE is used. (<http://www.hse.gov.uk/pubns/books/l26.htm>)

Many employers are dismissive of workstation assessments; one example brought to our attention is to give DSE users a short, on screen questionnaire, and, providing they don't respond negatively, that's it. That isn't a suitable and sufficient workstation assessment. The employer has to appoint competent persons to undertake assessments; they must consult with the trade union on how those appointments are made (Safety Reps Regulations 4A(1)(b)) and, we'd argue, consult on what training they should receive to ensure they are competent (Safety Reps Regulations 4A(1)(d)). Below is what the Workplace Law website defines as a suitable training course for DSE workstation assessors; it's a two-day course, and costs a minimum of £314.10. UCU doesn't endorse or recommend this course or the organisation that provides it, but you might find the information useful if the question of employers short-cutting DSE assessments comes up.

The Health and Safety (Display Screen Equipment) Regulations came into force on 1 January 1993 (some minor changes were made in 2002) and seek to protect the health of workers by reducing risks from VDU work. Briefly, the Regulations require employers to:

- *analyse workstations to assess and reduce risks;*
- *ensure workstations meet specified minimum requirements;*
- *plan work activities so that they include breaks or changes of activity;*

- *provide eye and eyesight tests on request, and special spectacles if needed; and*
- *provide information and training.*

Because of the nature of the risks, an individual assessment is required for each DSE training user; therefore many organisations choose to train people as DSE assessors in order to fulfil this function.

This course will give delegates a comprehensive understanding of the Regulations and the skills and knowledge to diagnose potential ill health conditions and recommend suitable control measures, including ensuring workstations and the working environment are satisfactory for all employees. The course will discuss and solve typical DSE-related problems by undertaking practical training and assessment.

Course programme

- *The legal requirements.*
- *The hazards of poor set-up.*
- *Worker self-assessment.*
- *Recording the assessors' results.*
- *Workstation set-up.*
- *Potential adjustments.*
- *Lighting issues.*
- *Working environment.*
- *Suitability of software.*
- *Rest breaks.*
- *Eyesight tests and glasses.*

The course includes a practical assessment of undertaking DSE, diagnosing potential ill health related conditions and implementing practical solutions.

4. Redundant safety regulations removed

An Act of Parliament has been repealed, and a number of statutory instruments been revoked this month, as part of the recommendations made by Lord Young and Professor Lofstedt. According to the HSE, these have either been superseded by later regulations, are redundant, or do not deliver their intended benefits. The Executive stresses that the changes do not compromise essential health and safety protections, but are aimed at making the legislative framework easier to understand. UCU health & safety isn't sure that a correct response is to repeal legal provisions that don't deliver their intended benefits; perhaps it would be more appropriate to refashion the law to ensure it did achieve what it was intended to achieve, or deliver better enforcement. As to "easier to understand".....

The HSE stated reasons somehow don't quite seem to fit with the revocation of the Construction (Head Protection) Regulations 1989 or the Tower Cranes Notification Regulations, and may create some cause for concern. For the Head Protection Regulations it could send out the wrong message that employers no longer need to concern themselves with head protection in construction. To counter any such misunderstanding, HSE says it is working with the construction industry to ensure that it understands the continuing need for employers to provide hard hats and ensure they are worn. The Personal Protective Equipment Regulations 1992 have been amended so that they cover the provision and use of head protection on construction sites, thereby,

HSE says, maintaining the same level of legal protection following the removal of the 1989 Regulations.

The Tower Cranes Regulations came into force following a number of serious tower crane collapses where workers and others died; a campaign organised by relatives succeeded in improving standards via the Regulation; that additional protection will now be lost. According to the HSE website, they are now allocating a lot of resources to develop alternative ways of ensuring crane safety and keeping the public informed. Is that really progress? <http://www.hse.gov.uk/construction/faq-towercranes.htm> The full list is below:

- Celluloid and Cinematograph Film Act 1922
- Gasholders (Record of Examinations) Order 1938
- Shipbuilding and Ship-repairing Regulations 1960
- Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974
- Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980
- Gasholders and Steam Boilers (Metrication) Regulations 1981
- Locomotives, etc. Regulations 1906 (Metrication) Regulations 1981
- Notification of Installations Handling Hazardous Substances Regulations 1982
- Docks, Shipbuilding, etc. (Metrication) Regulations 1983
- Construction (Head Protection) Regulations 1989
- Notification of Installations Handling Hazardous Substances (Amendment) Regulations 2002
- Notification of Conventional Tower Cranes Regulations 2010
- Notification of Conventional Tower Cranes (Amendment) Regulations 2010.

<http://www.hse.gov.uk/legislation/repeals-revocations.htm>

5. Approved Codes of Practice: HSE review

I circulated information a couple of weeks ago about the IOSH petition to protect the Management Regulations Approved Code of Practice from Lord Young's recommendation that ACoP's be ditched or changed to simple guidance. That process is underway. I have been asked what, particularly, UCU would want to defend in the ACoP; so I don't feel it is necessary to dwell on the importance of protecting part of the legal regulatory structure generally, but on what I see as the most important element.. For trade unions and safety representatives, in most cases the ACoP is where references to involving employees and safety representatives lie. Currently, employers must show they comply with ACoP terms as part of complying with the duties imposed on them by the Regulations. That protects the safety representative's position. If that is downgraded to guidance, (which is one of the options the government intends for ACoPs) then employers will be able to sideline reps. Most HSE booklets explain about ACoP's and Guidance with the following standard text (taken from page (ii) of L21; The Management Regulations booklet).

Approved Code of Practice and Guidance

This Code has been approved by the Health and Safety Commission, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of

those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law. However, the Code has special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a court will find you at fault.

This document also includes other, more general guidance not having this special status. This guidance is issued by the Health and Safety Commission. Following the guidance is not compulsory and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance as illustrating good practice.

So, should the ACoP disappear, be simplified or downgraded to Guidance, I'm sure some employers will seize the opportunity to circumvent consultation with reps by going directly to workers; it's a common employer trick. The recently published Workplace Employment Relations Study for 2011 shows that direct consultation is, on average, the principal way employers consult. So that's why we should sign their petition. If you haven't, it is here; get some members to support it too.

<http://epetitions.direct.gov.uk/petitions/46262>

6. When an Inspector calls

In the increasingly rare event that an HSE Inspector does visit your college or university, let me remind colleagues that the HSE has issued instructions and guidance to Inspectors, to make contact with trade union safety reps when they visit a workplace. Contact should be established as soon as they get there.

In cases where they have made prior arrangements to visit, those arrangements should include a request to meet with trade union reps when they arrive. The HSE say this is so the reps can raise any matters with the Inspector that they want them to look at. An Inspector may ask that a safety rep accompany them on the visit, but union reps cannot insist on that; it is an Inspector's decision.

At the end of a visit, the HSE says Inspectors should report back to safety reps, and suggests that, where appropriate, a joint open discussion with both senior management and representatives is to be encouraged. Such a report should include information about what the Inspector found, and what action has been required of the employer. Where an Inspector issues an improvement or prohibition notice, they should so inform the reps, and send them a copy of the notice. They should also be told if the inspector is considering a prosecution. Inspectors should copy any letter or report they later send to the employer to the union reps they contacted. HSE says it is better to contact reps directly – the guidance says "reliance should not be placed on employers to pass on our correspondence to appropriate representatives".

Some inspectors are better than others at contacting representatives. UCU encourages all Branch and LA organisations to ensure they have contact information for the inspector who deals with their workplace – these days it is more likely to be a team rather than an individual – the team will have a principal inspector in charge, and that may be the best contact.

See the general instructions for conducting an inspection the HSE has issued here <http://www.hse.gov.uk/foi/internalops/og/ogprocedures/inspection/conduct.htm#step33>

and there is more detailed guidance specifically on safety rep contact here: <http://www.hse.gov.uk/foi/internalops/og/ogprocedures/inspection/rep.htm>

7. Fireworks death charges reduced

You may remember that last year we reported that Geoffrey Counsell, the man responsible for the fireworks display at Exeter that blanketed the M5 in thick smoke causing a huge crash in which 7 died and 51 were injured, was charged with 7 counts of manslaughter.

http://www.ucu.org.uk/media/pdf/s/j/Health_and_Safety_News_Number_63_October_2012.pdf

These were dropped at a hearing earlier this year, and replaced with a single charge under the Health & Safety at Work Act.

Counsell has now appeared at Bristol Crown Court to deny a charge that on 4 November 2011, he failed to ensure the health and safety of persons unknown. He pleaded not guilty to one count of contravening health and safety regulations. He was released on unconditional bail at the end of a 50 minute hearing and a provisional trial date has been set for 11 November.

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