UCU HEALTH AND SAFETY news

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Contents

1. You've been framed

We've had a number of enquiries about the use of CCTV cameras in colleges and universities in the past few years. The Information Commissioners Office is responsible for data protection enforcement, and that includes the use of CCTV. They have a comprehensive set of Codes of Practice on data protection on their website at http://www.ico.org.uk/for_organisations/data_protection/topic_guides/cctv

The Home Office has now issued another code of practice for the use of surveillance cameras in England and Wales, which came into force on the 12 August 2013. It is supposed to be an attempt to curb the excessive use of cameras for surveillance by increasing numbers of private and public sector organisations. This new code, which applies to CCTV and automatic number plate recognition (ANPR) systems, has been introduced by the Home Office under the Protection of Freedoms Act 2012 and states that CCTV cameras should be used to protect and support people, not to spy on them.

The Information Commissioners Office says that their CoP is aimed directly at ensuring data protection matters related to CCTV are complied with, while this new code gives more general guidance about the use of cameras. They suggested the two be read together.

Introduced following concerns over the potential for the abuse or misuse of surveillance by the state in public places, the code says that the cameras must be used "in pursuit of a legitimate aim" and "when it meets a pressing need".

Campaign group Big Brother Watch said that, although the code was a step in the right direction, it doesn't go far enough in ensuring CCTV systems are not misused, as it only covered the use of a small number of camera installations, and doesn't provide for any penalty for breaches. The onward march of security cameras continues unchecked,

it seems. Big Brother Watch want controls to apply to all CCTV installations, and cited cases where cameras installed in school toilets was a step too far. They called for the surveillance camera commissioner to be given real enforcement powers, and the resources necessary to support those powers. See their press release at http://www.bigbrotherwatch.org.uk/home/2013/08/new-cctv-code-of-practice-comes-into-force.html#more-5549

The Code requires the use of a surveillance camera system to:

1. Always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. Take into account its effect on individuals and their privacy.
3. Have as much transparency as possible, including a published contact point for access to information and complaints.
4. Have clear responsibility and accountability for all surveillance activities including images and information collected, held and used.
5. Have clear rules, policies and procedures in place and these must be communicated to all who need to comply with them.
6. Have no more images and information stored than that which is strictly required.
7. Restrict access to retained images and information with clear rules on who can gain access.
8. Consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Be subject to appropriate security measures to safeguard against unauthorised access and use.
10. Have effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with.
11. Be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value, when used in pursuit of a legitimate aim.
12. Be accurate and kept up to date when any information is used to support a surveillance camera system which compares against a reference database for matching purposes.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/204775/Surveillance_Camera_Code_of_Practice_WEB.pdf . We suspect that many people will argue this is not much of an effort to protect our privacy and freedom from those who want to keep a watch on us.

2. Fire regulation unsatisfactory, say experts

Following-on from an article by a fire safety professional that questioned the current state of compliance and enforcement of fire safety legislation, (http://www.ifsecglobal.com/author.asp?section_id=565&doc_id=560809&piddl_msgpage=2#msgs) IFSEC, the international fire expert body asked recently "Is the Regulatory Reform (Fire Safety) Order 2005 fit for purpose?" It found that only 13.73% of respondents thought it was clear and effective, while a further 31.37% of respondents thought it needed much clearer advice. 17.65% thought enforcement notices were vague and advice generally was inconsistent, but 33.3% wanted a return to the old Fire Certificates.

The Regulatory Reform Order removed the prescriptive standards approach of the previous legislation, and abolished fire certificates. Under that regulatory regime, the fire authority inspected premises, told employers what they needed to do, and then monitored progress and issued a certificate when the premises were up to standard. The risk assessment approach, on which the current regime is based, appears to many professionals to be failing, and this newsletter has regularly reported successful prosecutions taken by fire service enforcers.

Just a reminder that in 2006 the Department of Communities and Local Government issued a set of guidance documents for employers on fire risk assessment and fire precautions standards. These are invaluable in helping to determine if your employer's fire risk assessments meet the standard of 'suitable and sufficient'. These documents have recently been moved to the Gov.UK website. The guide for educational premises is now here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14887/fsra-educational-premises.pdf and where universities and colleges have student accommodation, one that covers buildings in which people sleep is here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14887/fsra-educational-premises.pdf

All the available guides can be downloaded from here https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents

3. We're not having it, say North Sea oil workers!

Shortly following the 25th anniversary of the Piper Alpha disaster, 4 more North Sea oil workers died in a helicopter crash on the 23rd August. This was the latest in a series of incidents involving the Super Puma helicopter. The Offshore Industry Liaison Committee (OILC), part of the RMT union that represents many of the offshore workers in the UK sector called for the Super Puma to be taken out of service in the North Sea, as their members and most other oil platform workers had lost confidence in it. OILC said it will boycott the aircraft, and support any members who refuse to fly in them should they be threatened by their employers.

Sounds like a pretty good response to me, and one that should be promoted more often when faced with employer intransigence, or failure to listen to reasonable argument.

4. August HSE Board meeting Report

Hugh Robertson circulated the following report of the HSE August board meeting.

The HSE guide to health and safety management, HSG65 has been amended and is only now available on a website with the different bits scattered all over the place. TU reps asked for HSG65 to be made available on the HSE website as one downloadable document and this was agreed. The TUC will be pushing for this to be done quickly.

Paul Kelly and Sarah Veale, the trade union reps also strongly urged the Board to press the Cabinet Office to allow the HSE to run a big campaign on asbestos. This is something that has been raised by them on a number of previous occasions but without any progress being made.

Our reps also intervened on estates excellence, a project involving a number of organisations going into an area and delivering H&S support and training to SMEs. This is being put forward as a positive initiative, and unions have been involved in supporting these initiatives; our Board reps asked what criteria they would be using to evaluate the impact in terms of improved health and fewer injuries in SMEs. They said that the comparators should be not between doing an Estates Excellence initiative and doing nothing, but between Estates Excellence and putting comparable resources into inspection activity. The HSE said that they were very conscious of the need to measure and were putting in place various means of doing this, e.g. using proxies such as sickness absence, however whether that will meet the TU reps concerns, we will have to wait and see.

The next meeting is at HSE head office in Bootle on 25th September at Redgrave Court, starting at 10.30 am.

5. Hazards conference 2013

360 safety reps, activists, academics and campaigners attended the annual Hazards Conference in July, at Keele University. As usual, UCU was well represented at Hazards by 16 members plus the UCU H&S advisor. In addition to our formal delegation of 6 reps, 3 UCU reps came independently, 6 acted as workshop facilitators and one was a plenary session keynote speaker. We held a delegation meeting on Saturday evening, and post-conference comments have been positive. Comments included:

- "Can I say what an excellent conference this was in so many ways";
- "I thought the conference was well-worth attending, and I was very impressed by the campus and the facilities at Keele";
- "Excellent, thought-provoking event";
- "Helped to refresh my enthusiasm and I'm determined to go back to work and hold my employer to account";
- "Excellent workshops and gained a lot of new information";
- "Good mix of politics and practical H&S information".

One UCU rep made a positive suggestion regarding the delegates badges which we will take-up for Hazards 2014. Thanks to all who shared their opinions with us.

Thanks also to Alan McShane, who attended as a delegate from Blackburn College, for a very comprehensive report. We've posted Alan's report on the UCU website for all to read
http://www.ucu.org.uk/media/docs/c/c/Report_on_the_24th_National_Hazards_Conference_1.docx

Hazards 2014 is 29th – 31st August, again at Keele, and we will circulate the call for sponsored delegates in March. More information on Hazards 2013, and the sponsorship appeal for 2014 at www.hazardscampaign.org.uk

6. Occupational health to be included as part of benefit review

The Government has announced two pilot schemes to increase the pressure on people claiming Employment and Support Allowance (ESA) benefit. They will be required to have meetings with healthcare professionals "to address barriers to work". Individuals who don't attend regular meetings with doctors, OH nurses or therapists will risk losing their benefits.

The Department for Work and Pensions has estimated that 3,000 people on Employment and Support Allowance who have been assessed as being able to work in the future will come under the remit of the pilot schemes. One of the pilot schemes will require people to attend regular meetings with their doctors, occupational health nurses and therapists while two others will see people being offered extra support from Jobcentre Plus and Work Programme providers. Results will be compared to see which is the most effective.

The pilots are set to begin in November 2013 and will run until August 2016. They will involve only people on ESA who are expected to be able to return to work in 18 months or so.

Is this just more evidence of the obsession that regardless of disability or health problems, everyone has to work, even though the opportunities available for seriously disabled people are being reduced. There is evidence that, since the repeal of the statutory requirement on employers to employ a minimum proportion of registered disabled people, employment levels of disabled people have reduced significantly. The recent announcements about closure of Remploy factories that provided sheltered employment for many less-able workers have added to real fears for the future of workers with disabilities. The GMB, arguing this represented a real threat to disabled workers and was an unnecessary step said:

"These workers could be put back to work making uniforms for our troops, police and nurses and furniture for our schools like they did before the work was outsourced to China.

Sheltered workshops are allowed under EU procurement rules and can successfully keep disabled workers gainfully employed if supported by public contracts."
http://www.gmb.org.uk/newsroom/196-more-job-losses-at-remploy

GMB alleges that the government's decision on Remploy factory closures is based on evidence submitted by charities involved with disability that characterised Remploy as an out-of-date solution and tried to stigmatise it as a form of ghettoisation. GMB says that you could use the same argument against staging the Paralympic games.

7. Scottish Hazards conference

The Scottish Hazards Campaign annual conference takes place on 14th November at the STUC in Glasgow. Two UCU members, Professor Phil Taylor of Strathclyde University, and Professor Andrew Watterson of Stirling University are the keynote speakers. UCU nationally can't support delegates to this event, but individual UCU branches in Scotland may be willing to sponsor attendance if you ask. The conference runs from 10.00 am to 4.00 pm; the delegate fee is £45; the deadline for booking is 1st November. Good opportunity for UCU to get more involved in the campaign in Scotland, where contacts with government on work-related health issues are much more positive than with the UK coalition.

http://www.scottishhazards.co.uk/sites/default/files/documents/2013_annual_conference_delegate_form_0.pdf for more information and a booking form, or e-mail Kathy Jenkins, Scottish Hazards secretary, at kajenkins@blueyonder.co.uk

8. Changes to Regulations and ACoP's coming soon

The HSE will start issuing revised Approved Codes of Practice to a number of Regulations soon. You'll remember this process is a result of the recommendations by Lord Young, and in the Lofstedt report on regulation. HSE says of this process "The changes are part of HSE's work to make it easier for businesses and other users to understand how to comply with health and safety law, whilst maintaining standards. They apply to businesses of all sizes and from all sectors." Just a reminder that, apart from the change to the First Aid Regulations outlined below, it is only the Approved Codes of Practice that are being revised; the Regulations themselves remain exactly as they are. Effectively the ACoP's are either being reduced in size or changed into guidance, and the total amount of information supporting the Regulations generally is being reduced in size. We will detail these changes when we get the new documents.

HSE has now published guidance to help businesses put in place appropriate arrangements for the provision of first aid, a little in advance of the planned timetable.

From 1 October 2013, the Health and Safety (First Aid) Regulations 1981 will be amended, to remove the requirement for HSE to approve first aid training and qualifications.

Advance copies of 'The Health and Safety (First-Aid) Regulations 1981', 'Regulations and Guidance (L74)' (http://www.hse.gov.uk/pubns/books/l74.htm) and 'Selecting a first-aid training provider (GEIS3)' (http://www.hse.gov.uk/pubns/geis3.htm) are now available on the HSE website.

We'll bring you more details and information about these changes as the new documents are published and posted on the website.

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