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### **1) The new Health & Work Service**

A number of changes to the administration of statutory sick pay (SSP) came into effect on 6 April 2014. The changes were recommendations by Dame Carol Black's 2011 review of sickness absence.

Under the old rules, a concession was available to employers who experienced higher than average sickness absence rates were entitled to claim back some of the SSP paid to their employees, if the total SSP paid in a tax month was greater than a set percentage of their gross Class 1 National Insurance Contributions liability for that month. This is no longer the case, and the money will now be used to fund the new 'Health and Work Service'. The aim of this, according to the government, is to help employers manage sickness absence more effectively and get people back to work sooner, and before they become what the government deems "a burden on the welfare state". The service is anticipated to be operational by the end of 2014.

The Government published information in February about the new service here [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/301885/health-and-work-service-specification.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301885/health-and-work-service-specification.pdf)

The Health and Work Service will include a state-funded assessment by occupational health professionals for employees who are absent due to sickness for

more than four weeks, and GP's will be the primary referral route; although the guidance so far suggests this will be the default option, and GP's who don't make referrals will need to justify that decision. It looks like the government is keen to avoid accusations of compulsion.

Further, it is intended that the service will provide more general advice and information to employers, employees and GPs who request it. When we know more about that, we'll let you have the information so that reps and members with occupational health questions can make contact with the service.

In Scotland, the intention is to ensure the service is provided by the NHS; in England and Wales it has been put out to tender.

## 2) HSE guidance quietly withdrawn

The HSE has withdrawn a number of guidance documents for the education sector, with little or no information or reference to any interested parties – known as stakeholders. Should you find it useful, there is a list of HSE's stakeholders/partners here

<http://www.hse.gov.uk/services/education/stakeholders-partners.htm>

**Occupational Health Services in higher and further education; HSG257** has already been withdrawn almost without anyone noticing. The link in the HSE free download documents list takes you to a sub-section named Occupational Health, which contains very little information about occupational health; it's mostly about the management of sickness absence. <http://www.hse.gov.uk/pubns/ohindex.htm> There is still a live link to leaflet MISC743 Healthy workplace, healthy workforce, better business delivery: Improving service delivery in universities and colleges through better occupational health; HSE have just notified their intention to withdraw this as well. <http://www.hse.gov.uk/pubns/misc743.pdf>

Guidance and information document 'Violence in the Education Sector' has also been withdrawn, again without any reference to this 'stakeholder', and other education sector related material that was published on the Teachernet site has disappeared into the bottomless pit known as the National Archives. There is no longer any sector-specific guidance on basic standards from HSE despite the fact F&HE is a large occupational sector employing over half a million workers.

Some documents still listed here <http://www.hse.gov.uk/violence/information.htm> no longer exist. Our advice a couple of years ago to download relevant free copies of HSE publications because they might disappear has proved to be correct.

### **3) Big increases in skin cancer over 40 years**

Cancer Research UK has released figures that show the UK rates of malignant melanoma, the most dangerous kind of skin cancer, are five times higher than they were in the 1970s. The incidence rate has increased from just over three per 100,000 of the population 40 years ago to around 17 per 100,000 today, and the incidence rate increase for men is almost twice that for women. More than 13,000 people develop the disease each year compared to about 1,800 in 1975. Melanoma is now the 5th most common cancer in the UK, and more than 2,000 people die from the disease every year.

According to Cancer Research UK the increase is partly down to the huge increase in package holidays to sunny destinations, a boom in sun bed use, and the fashion for a "healthy" tan. Over-exposure to UV (ultraviolet) rays from the sun or sun beds is the main cause of skin cancer. This means, in many cases, the disease can be prevented. Sunburn is known to increase the risk of skin cancer, especially in people with pale skin or large numbers of moles or freckles. Besides avoiding sunburn, other advice includes spending time in the shade, covering up and using a minimum factor 15 sunscreen.

Outdoor workers are at increased risk. See the TUC advice for outdoor workers here <http://www.tuc.org.uk/sites/default/files/extras/skincancer.pdf> An HSE campaign aimed at construction workers a few years ago encouraged them to use sun screen protection and keep their skin covered. Cancer Research UK is campaigning for the third year to encourage people to enjoy the sun safely. See <http://sunsmart.org.uk/> for more campaigning information.

## 4) Drug and alcohol testing

SHP On-line carried a report on 29 April headlined "Employers failing to crack down on substance abuse in workplace despite zero tolerance" conducted by a private health provider, Synergy Health.

<http://www.shponline.co.uk/home/news/full/employers-failing-to-crack-down-on-substance-abuse-in-workplace-despite-zero-tolerance>

The article contains substantial claims about a huge, hidden problem, then reveals that Synergy Health runs a drug and alcohol testing service for employers, and tested 40,000 people last year, a small minority of whom showed positive for cannabis and an even smaller proportion for cocaine.

We've been asked recently to comment on employer policy proposals, which contain quite draconian measures, such as introducing random testing and making refusal a disciplinary or even dismissible offence. Some of this may well be driven by government proposals to introduce a "drug-driving" limit, similar to that to drink driving, and it was recently announced that it plans to have drug-driving limits in place later this year. So what are the implications for the workplace?

We agree with TUC senior policy officer Hugh Robertson that employers are using the opportunity as an excuse to introduce drugs testing in the workplace under the guise of safety, when clearly the issue is about control. For more information, see Hugh's blog at <http://strongerunions.org/2014/04/24/proposed-drug-limits-nothing-to-do-with-safety/>

The TUC says that employers need to negotiate policies that deal with problems in a non-judgemental, supportive way that ensures that workers are also protected from anyone who may be under the influence of drugs. They have also opposed the use of routine drug-testing in all but safety-critical jobs.

The TUC are also critical of the testing limits the Government is proposing, claiming they are evidence of an attempt to exercise social control, and such limits will be based on politics rather than evidence. Some employers will think that they will now have a test that will tell if someone is impaired, and that could easily lead to disciplinary action and dismissal.

See <https://www.tuc.org.uk/sites/default/files/DrugTestingintheWorkplace.pdf>

Here are a few more general concerns:

- Those addicted to drink or drugs don't always exhibit the chaotic, and often criminal lifestyle usually portrayed in the media. Many addicts spend years holding down jobs. Where there are potential issues with substance misuse, employers should try and provide assistance. Blanket policies like random testing are unlikely to help .
- Random testing is not only intrusive, it means that members would have to modify their behaviour outside work because of their conditions of employment, and will potentially be at risk if they don't. Extending employer control over such external behaviour is not a legitimate employer function except where there are demonstrable safety risks
- Our members, in the main, don't work in safety-critical jobs to the extent that positive arguments for general random testing might be made. There might be arguments in the case of, for example, train drivers or aircraft pilots....
- Random testing is actively promoted by organisations that conduct testing for money; they often present a distorted view of a situation, highlight minor problems and promote their service as an employer benefit
- The ability to refuse a test under employment circumstances is not the same as refusing a breath test when caught committing a drink-driving offence, for instance
- It is mostly outside our contractual terms and conditions, and there is no argument for including it – again, most workers in colleges and universities do not work in safety critical jobs
- UCU would prefer to see employer policies that contribute positively to employees security, and which provide positive assistance to those who have a potential health problem related to alcohol or drugs– not disciplinary threats.

UCU branches and LA's will therefore have to be on their guard for employers using the new thresholds as an excuse to introduce drugs testing in the workplace under the guise of safety when clearly they are about control. If your employer produces a proposal, UCU health and safety will be happy to review it and comment.

## **5) Latest TUC publications**

### **5a) Toxic, Corrosive and Hazardous**

The TUC chose Workers' Memorial Day to publish its report on the government's record on occupational health, safety and welfare. The report 'Toxic, Corrosive and Hazardous: The government's record on health and safety' accuses the government of putting workers' lives at risk from the drastic cuts it has made to HSE inspections and by the other changes and cuts imposed over the past four years.

The TUC believes that if this government assault on basic workplace protections continues it will have a significant impact on the health and safety of people at work – and that many more lives will be unnecessarily put at risk.

The report ends with the 10 manifesto demands originally published by the TUC in Time for Change in February 2013. Download a copy from [www.tuc.org.uk/sites/default/files/tucfiles/TUC Health and Safety Manifesto Time for Change.pdf](http://www.tuc.org.uk/sites/default/files/tucfiles/TUC_Health_and_Safety_Manifesto_Time_for_Change.pdf)

The TUC calls on the government to:

- ensure all workplaces are inspected regularly by the enforcing authority
- revise the law on safety reps and safety committees to increase the areas they cover and their effectiveness
- give occupational health the same priority as injury prevention
- introduce a new, legally binding dust standard
- ensure exposure to carcinogens in the workplace is removed
- introduce a law governing maximum temperature in the workplace
- increase protection for vulnerable and atypical workers

- place a legal duty on directors individually and as a board to ensure health and safety compliance
- ensure health and safety is a significant factor in all public sector procurement
- ratify and comply with all health and safety conventions from the International Labour Organisation.

Download your copy of Toxic, Corrosive and Hazardous from:

[http://www.tuc.org.uk/sites/default/files/Government\\_Record\\_On\\_Health\\_And\\_Safety\\_2014\\_LR\\_Single\\_Pages.pdf](http://www.tuc.org.uk/sites/default/files/Government_Record_On_Health_And_Safety_2014_LR_Single_Pages.pdf)

### **5b) Compensation for work-related injury**

The TUC has also updated its publication 'The Compensation Myth', as a response to the government's continued assertion that a compensation culture exists in the UK. Produced jointly with the Association of Personal Injury Lawyers, the report confirms that the idea of a compensation culture is a myth and the number of claims has halved in a decade. It also says that most workers who are injured at work don't receive any compensation at all when their employer is negligent.

<http://www.tuc.org.uk/sites/default/files/The%20Compensation%20Myth%202014.pdf>

More generally, a recent re-organisation of the TUC website has now listed all its H&S reports in the same place - <http://www.tuc.org.uk/workplace-issues/health-and-safety/guides-and-reports-reps> for the full list.

## **6) SRSC Regulations amendment by RIDDOR**

I meant to confirm this earlier this year, but better late than never. The 2013 RIDDOR Regulations contain a significant amendment to Regulation 6 of the SRSC Regulations - the one giving safety reps the function of inspecting following a notifiable incident etc.

There was always a problem with this, based on the fact that, while the Regulation clearly gave reps this function where a major injury etc. had occurred, it was difficult to exercise in the case of injury that didn't become reportable until the 3-day absence period had elapsed, by which time it is probably too late to do

anything effective.

The amendment does make clear that, where an injury results in more than 3-days absence (and it is 3-days, not 7 days - remember that difference between what the employer has to record at the workplace [+3-day absence caused by injury] and what has to be reported to HSE under RIDDOR [+7-day absence caused by injury]) then safety representatives can exercise their function to investigate under SRSC Regulation 6. If nothing else, it will help in cases where in the past employers may have restricted safety reps functions because the Regulation wasn't absolutely clear. Remember also that, to exercise this function effectively, there needs to be some system to alert safety reps that an incident has occurred.

Schedule 4, Table 2 (Amendments) of the revised RIDDOR Regulations clarifies all this. It amends SRSC Regulation 6(1) and 6(3) as follows:

For the first "a" in regulation 6(1) substitute "an over three day injury," (this now becomes "Where there has been an over 3-day injury, notifiable accident or dangerous occurrence in a workplace...."

For regulation 6(3) substitute

(3) In this regulation "notifiable accident or dangerous occurrence" and "notifiable disease" mean any accident, dangerous occurrence or disease, as the case may be, notice of which is required to be given by virtue of any of the relevant statutory provisions within the meaning of section 53(1) of the 1974 Act; and "over three day injury" means an injury required to be recorded in accordance with regulation 12(1)(b) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.". (Note the incorrect reference to RIDDOR Regulation 12(1)(c) - the definition of an over-3 day absence - not 12(1)(b) which refers to reportable diagnosis).

[http://www.legislation.gov.uk/uksi/2013/1471/pdfs/uksi\\_20131471\\_en.pdf](http://www.legislation.gov.uk/uksi/2013/1471/pdfs/uksi_20131471_en.pdf)



## 7) Portable device chargers

We highlighted potential fire risks with Lithium-Ion batteries in cell-phones, tablets and laptops a while ago. A report in Metro News on 13 May says the cause of a house fire in Sheffield in April that resulted in the deaths of 5 people was probably started by a faulty charger. Our advice is simple – don't leave batteries on charge when you aren't present.

## 8) Hazards Conference 2014

This is the call for UCU delegates for Hazards Conference, Hazards 2014, which will be held at Keele University, Staffordshire, from the evening of Friday 29 August to lunchtime Sunday 31 August.

UCU sponsors 6 delegates to Hazards conference and pays their residential delegate fee and reasonable travel expenses. We want to ensure that, as far as possible, we have delegates who have not previously attended Hazards as UCU delegates. Applications are accepted on a "first come - first served" principle. If you have been a UCU-sponsored national delegate before, we will put you on a reserve list, and those who have previously been delegates will make up the 6 places if we don't have 6 new applicants.

You must have the approval of your Branch or Local Association before sending an e-mail to John Bamford at [jbamford@ucu.org.uk](mailto:jbamford@ucu.org.uk) with your name, UCU membership number, employer and your e-mail address; confirm that you have the support of your Branch or local association, and if you have or haven't been a UCU national delegate to Hazards before.

We'll send you an **official** UCU booking form to complete once we have our 6 delegates. Meanwhile, for information, you can see the booking form for all information about the Hazards Conference and can see what you are letting yourself in for.

<http://www.hazardscampaign.org.uk/hazardsconference/bookingform2014.pdf>

Please **don't** complete this form for a UCU-sponsored place - wait for confirmation that you are one of the official UCU delegates and the form will be sent to you. We'll keep the names of those others who have expressed interest on a reserve list.

If you don't get into the official delegation, branches, local associations and regions can send delegates independently, and they have done so for previous Hazards conferences. Last year there were 16 UCU members at Hazards.

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](mailto:jbamford@ucu.org.uk) (t) 0161 636 7558**