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1) Stress and bullying

a) The NEC stress and bullying working group has been re-established, with 6 appointed members, 3 representing each of FE and HE.

b) UCU Anti-stress and bullying campaign: there are website pages that make lots of recommended actions that Branches and LA's can undertake to follow-up our earlier week of action.

<http://www.ucu.org.uk/index.cfm?articleid=7261>

The initial survey results have been posted, and we hope to publish more detailed results soon; we'll keep reps posted on this. See the initial summary here:

http://www.ucu.org.uk/media/pdf/t/a/ucu_stresssurvey14_summary.pdf

2) LRD Health & Safety Law 2014

As we predicted in the last issue, this has now been published, and is excellent in bringing together information about many of the changes that have been made over the past couple of years. I cannot recommend it too highly; an essential resource. Don't forget to ensure you have a copy of the Stress and Mental Health booklet too. See www.lrd.org.uk for more information.

3) Wellbeing in HE bites the dust

UCEA has just announced that it intends to close the 'wellbeing' website with effect from 30 October 2014 (www.wellbeing.ac.uk). The site has not been updated since the *Improving performance through wellbeing and engagement* project ended in 2011. You may remember that this project was funded by HEFCE, and focussed on the unholy trinity of Wellbeing, Engagement and Resilience. An initial one year was followed by a further 3 years, and the project was led by the universities of Leeds and Bristol, and cost about three-quarters of a million pounds of public money. There was little effort made to involve UCU in it. It was a publicly funded project, but the website was only available to subscribers.

When the project funding ended, the main resources including the final report, reports on interventions and mapping performance, and case study reports were transferred to the UCEA website.

UCEA says the project resources can now be freely accessed from their website, and that's an advance on the original site. There, UCU safety reps in HE whose employers subscribed to the project resources had to ask their employer for access passwords

4) Display screen guidance consolidated

As part of the continuing review of Approved Codes of Practice and guidance initiated by Lord Young's report in 2010, HSE decided to revise and consolidate the publications "The law on VDUs: An easy guide" (HSG90), and "Working with VDUs" (INDG36) to simplify the guidance and reduce duplication, they say.

The combined publication is "Working with display screen equipment (DSE): A brief guide" INDG36(rev4); download from <http://www.hse.gov.uk/pubns/indg36.pdf> HSE say there has been no change in their approach to health and safety policy in the newly revised publication, and that all pertinent information from HSG90 has been incorporated into the revised guidance.

5) Construction (Design & Management) Regulations (CDM)

HSE has reversed a decision to withdraw the CDM ACoP. There has been a long-standing campaign, particularly by construction industry unions, to defend CDM and the ACoP.

Amongst other matters, these Regulations apply to the way employers and contractors manage health, safety & welfare in construction activities on site. The last few years have seen some considerable new building and

refurbishment work in many universities and colleges, some of which has caused concerns and problems.

Two elements of the revised regulations that please UCU are the proposed abolition of the CDM Co-ordinator role, (replaced by a 'principal designer'); a number of such appointments have caused problems for our members, particularly around the question of competence to undertake the role. Given concerns expressed by respondents, CDM2015 and guidance should clarify competence requirements generally. Secondly, all construction projects will have to have a written health and safety plan in place for the construction phase, and that is the stage at which UCU safety reps need to be involved. Under CDM 2007 this only applied to notifiable (i.e. larger) projects.

Information on current CDM is here:

<http://www.hse.gov.uk/construction/cdm.htm>

6) A further electronic cigarettes update

The Department of Health (DoH) has now commented on the WHO report calling for a ban on their use indoors. The DoH says it will not restrict their use in enclosed places in England. The Wales government is considering a proposal to ban their use in enclosed public spaces. In Scotland, the Scottish Directors of Public Health have issued a Position Statement: 'E-Cigarettes and NHS Tobacco Policies' which strongly advocates that electronic cigarettes should be treated in the same way as tobacco cigarettes within NHS tobacco policies.

The UK government should implement the EU Tobacco Products Directive in May 2016, and this will regulate the amount of nicotine in e-cigarettes, ban most advertising and set standards for ingredients, labelling and packaging, but this is currently subject to a legal challenge by a UK company.

Despite all this, a decision has been made that manufacturers will be allowed to advertise their products on television, with some restrictions.

<http://www.theguardian.com/society/2014/oct/09/e-cigarettes-advertising-restrictions-relaxed>

The adverts must not show under-25's using an e-cigarette, nor should they appeal to under-18s. Only those companies whose products are licensed as medicines offering nicotine replacement therapy will be able to say their products have health benefits or claim they are safer or healthier than smoking tobacco. Adverts should not encourage non-smokers or non-nicotine users to use e-cigarettes.

TV channels carrying these adverts will have to show they have behaved responsibly, whatever that means. Is this more evidence that e-cigarettes are even closer to becoming normalised as consumer goods?

7) Workplace drug testing on the rise

Workplace drug testing has increased significantly in the UK over the past 4 years, according to four leading screening companies. Between them, they administer almost 3.5 million tests annually; one company reports an increase of 470%.

Such testing was originally introduced for workers in safety-critical roles such as operating heavy machinery or driving but there is now a growing trend for drug testing in other non-critical occupations, including retail sales.

Workers cannot be made to take a drugs test, but if they refuse when the employer has good grounds for testing, they may face disciplinary action. At present, the law requires that the employer has the consent of employees whom they wish to screen for drugs, and usually this will be part of the employment contract.

Civil liberties groups say that the practice is an invasion of people's privacy outside of safety critical roles. Drugs advice charity Release said they frequently took calls from people who had falsely tested positive for drugs; eating poppy seed bread for instance can indicate the presence of opiates in some tests.

UCU believes that testing companies have been emphasising disproportionate risks in order to promote their "service to employers" to generate additional business, and this helps to account for at least some of the increase. Employers need very good reasons to introduce a drug testing regime; generally, being a lecturer or librarian is not a good reason.

<http://www.bbc.co.uk/news/uk-29465755>

See our article in UCU H&S News 75 at:

http://www.ucu.org.uk/media/pdf/p/9/Health_and_Safety_News_75_May_2014.pdf

8) ITUC new focus on H&S

October 16 saw the International Trade Union Confederation publish the first edition of a regular health and safety newsletter, and not before time. Sharan Burrow, ITUC general secretary is quoted on the front page saying:

"Work shouldn't be hell, it shouldn't hurt and it certainly shouldn't kill. Work should be fulfilling, safe and worthwhile. Union organisation can make this happen. Working together, we make work healthier and we make work better."

We couldn't agree more. Hugh Robertson at the TUC says this will be an effective supplement to the TUC's own Risks bulletin, and offer a broader international and European perspective. Let's make sure ITUC gets the message that this is both an important and welcome step forward for H&S reps; go here to subscribe:

http://www.ituc-csi.org/IMG/html/ohs_newsletter_1_en.html

9) HSE News

A recent "round table" meeting organised by Opposition H&S spokespersons

Stephen Timms and Kate Green on asbestos had former HSE chief executive Geoffrey Podger, back from sharing his expertise in New Zealand, as a guest speaker. Michael Lees from Asbestos in Schools and Hilda Palmer from the Hazards Campaign attended; they report that Mr Podger appeared to speak more positively about the need for enforcement, given, he said, that HSE "blitz" inspections seem to work – perhaps that's what is needed in relation to asbestos. He still knows lots of senior HSE people – can we hope he might be a little more influential now he's an elder statesman?

- b) We've heard that a university is being investigated by HSE for a breach of duty that was discovered during an investigation into another matter. The breach identified concerned a procedural and risk management failure concerning a very well-known hazard about which HSE has published employer guidance.

The university concerned has been told they will be charged for the inspector's time under the Fee for Intervention (FfI) rules, at the rate of £124 per hour. While the TUC continues to oppose the FfI system, for very good reasons, some of us cannot help feeling that, as other regulatory actions often mean employers get away without penalty for their misdemeanours, FfI means they do have to reach into their pockets, even though (as we reported in a previous HSNEWS) it doesn't become part of their criminal record.

- c) Burnley College has been convicted and fined £20,000 with £7,610 costs and £120 victim surcharge, following an incident in which a technician fell from a stepladder in May last year and broke his back while trying to clean a ceiling-mounted air filter. The filter was positioned so it was not possible to use the correct equipment to reach it, so he was balancing on a step-ladder and a filing cabinet.

The Health and Safety Executive inspector who investigated the incident was quoted in the press that she found it "astonishing that Burnley College failed to ensure basic health and safety systems were in place when it employs lecturers who specialise in this area. Anyone with even the slightest knowledge of safety while working at height would have known straddling a cabinet and the top rung of a stepladder was dangerous, but this practice was allowed to continue by the college."

<http://press.hse.gov.uk/2014/burnley-college-in-court-over-employees-life-long-injuries/>

10) SARA bill awaits royal assent in 2015

A much-criticised government Bill, the Social Action, Responsibility and Heroism Bill (SARA) which the justice secretary says will allow would-be heroes and

volunteers to act without fear of being sued if they harm someone in the process of becoming a hero, has passed its final parliamentary stage. The bill has been variously described as "complete gobbledegook" by the TUC, "a turkey" by Labour MP Sadiq Khan, and "ill thought through, populist, and a waste of parliamentary time" by the Association of Personal Injury Lawyers (APIL). See TUC Risks bulletin 657, 664 and 671 for more information.

<http://www.bonddickinson.com/insight/publications/social-action-responsibility-and-heroism-bill-%E2%80%93-hero-or-zero> adds to the skepticism, as does

<http://www.forbessolicitors.co.uk/news/display/19163/the-social-action-responsibility-and-heroism-bill-not-so-heroic-after-all>.

SARAH will have no impact on criminal liabilities for breach of health and safety law.

John Bamford

UCU Health & Safety Advice

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