

Contents:

1. Amended version of SRSC Regulations now posted
2. Keep H&S involvement within our control
3. Hazards Conference 2015 delegation
4. Every little helps, they say
5. Wellbeing and Ivy League magic
6. Stress and workload in one FE college
7. UCU Congress 2015

1. Amended version of SRSC Regulations now posted

The updated and amended SRSC Regulations booklet is now available on the UCU website here:

http://www.ucu.org.uk/media/pdf/g/t/R25807_Safety_Reps_Brown_Book_2015_UCU.pdf

Thanks to our admin person David and the UCU web team for this.

Just to remind you that the main changes are to Regulation 6(3) as a result of a RIDDOR amendment defining a safety reps ability to investigate an "over 3-day" absence caused by a work-related incident; and that references to the Approved Code of Practice related to the Management of Health & Safety at Work Regulations have been removed because that ACoP has been withdrawn by HSE as demanded by the Government. There has also been what HSE describe as "minor changes to the text in the guidance". Paragraph numbering has changed slightly as an additional paragraph has been included in the Guidance to Regulation 6, and there has been substantial re-wording of much of the guidance to Regulation 6 due to the clarification of what a "over

3-day absence" is. It's worth reading the whole of the guidance to Regulation 6 – Paragraphs 59 – 65.

I wholly recommend the introduction by the TUC on Pages 1-2, I'm sure a few employers would also benefit from reading this. See below on a case that picks-up the issue of legal status in that TUC Introduction.

PLEASE DON'T FORGET – despite the changed RIDDOR reporting requirement increasing from 3-day absence to 7-day absence, the duty to record incidents causing injury resulting in more than 3 days absence remains, and that's what safety reps can investigate. Confused – you should be! See H&S News no's 75 May 2014 and 77 September 2014 for more detail.

There is also a copy of the TUC version, not UCU-badged, at a new location on the TUC website here:

<https://www.tuc.org.uk/sites/default/files/BrownBook2015.pdf>

The official publication, which contains both the SRSC Regulations and the Health & Safety (Consultation with Employees) Regulations 1996 can be

downloaded from the HSE site at:
www.hes.gov.uk/pubns/books/L146.htm

This may be useful if an employer tries to argue the TUC version isn't the law on representation, just trade union guidance.

2. Keep H&S involvement within our control

I've received another enquiry regarding the role of the union in representing employees who are not members for the purposes of consultation on H&S matters.

An employer has told the UCU Branch that we only represent UCU members, and refused our Branch access to contact details for all staff; something the Branch needs to do if it is to represent the views of employees properly. This refusal isn't an isolated incident. The next step down this road will be to set-up some kind of parallel structure for consultation with non-members under the Health & Safety (Consultation with Employees) Regulations 1996. That has a real potential to undermine our local organisation in all sorts of ways.

This has been a problem since 2008, when the HSE decided to make an interpretation of the duty imposed on employers by Section 2(4) of the Health & Safety at Work Etc. Act 1974, which says:

*"Regulations made by the Secretary of State may provide for the appointment in prescribed cases by recognised trade unions of safety representatives from amongst the employees, and those representatives shall represent **the employees** in consultations with the employers under subsection (6)*

below and shall have such other functions as may be prescribed."

It doesn't say "trade union members", and it doesn't provide for any alternative approach by the employer. Section 2(6) places a duty on employers to consult those trade union appointed representatives in order to enable the employer to co-operate effectively with the employees on health and safety matters.

The Safety Representatives and Safety Committees Regulations 1977 were those Regulations. Until 2008, no additional guidance or advice was attached to this representative function, and the Section 2(4) duty was simple and straightforward. In 2008, the HSE published new guidance for employers in HSG263; *Involving your workforce in health and safety: Good practice for all workplaces*. All of a sudden, the HSE is telling employers that trade unions must now notify the employer they agree to represent all employees for the purposes of H&S consultation requirements, otherwise the employer should set-up an alternative structure for those who are not members of the union. That is a misinterpretation of the Act; the default is clearly "represent the employees in consultation..."

<http://www.hse.gov.uk/pubns/priced/hsg263.pdf>

The flow chart diagram on Page 9 sets out very clearly that where a recognised trade union that has appointed safety representatives has agreed to represent all employees including those not members of the union then the employer must consult according to the SRSC Regulations. From 2008 this was included in the SRSC Booklet, but has now been removed, and only appears in

HSG263. See the link above to the official SRSC Regulations booklet.

If it is necessary, our advice is to print-off at least the cover and Page 9 of HSG263 and give it your employer, and an official Branch letter confirming that for the purposes of H&S consultation required by the Health & Safety at Work Etc. Act 1974 Section 2(4) and 2(6), UCU represents all employees who are our potential members.

The 1996 Regulations came about because the EU required employers consult all workers on H&S matters, not just those in workplaces where trade unions were recognised. In workplaces where UCU is not recognised, they could be useful. UCU members can stand for election as a "Representative of Employee Safety" (ROES), and that can give us a basis for recruitment using health, safety or welfare issues to improve working conditions, so we don't reject the 1996 Regulations out of hand.

3. Hazards Conference 2015 delegation

The annual Hazards conference is the UK's biggest event for trade union safety reps and activists, and is a mixture of plenary sessions, debates and discussions around specific issues and the politics of health & safety, and has a wide range of topic workshops. One UCU delegate described it as the most exciting and inclusive conference they had ever attended. It is at Keele University from the evening of Friday 4 to lunchtime Sunday 6 September.

UCU sends a delegation of six to Hazards Conference. We take applications on the basis of 'first come, first served'; but in cases where we have more than 6, then we give priority to those who haven't attended a

previous Hazards Conference. If we have more than 6, they go on a reserve list to cover any cancellations. Branches and LA's can (and do) send delegates independently, and a number of UCU members, including the odd professor or two speak in plenaries and debates, and facilitate workshops. UCU pays the delegate fee and reasonable travel expenses; all accommodation and food costs are covered by the fee.

For more information about the conference debates and workshop topics, see the booking form at <http://www.hazardscampaign.org.uk/hazardsconference/2015bookingform.pdf> You must ensure your Branch or LA supports your application; then send an e-mail confirming this to jbamford@ucu.org.uk with "Hazards Conference delegation" in the Subject line, and we'll acknowledge your e-mail by return. We will send you a UCU-badged registration form when we have our six

4. Every little helps, they say

Tesco is the latest employer to focus on the size and fitness of its workers. Chief executive Dave Lewis has placed a message on the staff website advising the supermarket's 314,000 employees how to get fit. The memo includes tips on how to use breaks to keep moving, taking a walk or doing some stretches. 'Walking meetings' are also recommended for staff to boost exercise and creativity. Not solely isolated to the workplace, members of staff have even been told to use TV advert breaks to run up and down the stairs, jog on the spot, or do some sit ups at home. Tesco said: "Colleagues asked us to help them think about their health and we are happy to lend a hand with some ideas to stay active." Some might argue that Tesco would be better-off

not selling so much processed food, rich in sugar, fat and carbohydrates.

An industry insider commented: "Let's be honest, trim workers are less likely to take days off sick, plus they can stack shelves more quickly than fat ones. But this also ties in with attempts to smarten up Tesco stores. Healthy workers will give a more appealing look than a bunch of sweaty and overweight workers wheezing around the aisles." Will we see employers starting to discriminate on the grounds of size, tendency to perspire or appearance, or do they do so already?

The Department of Health also has a scheme to help NHS staff lose weight. Operating as a pilot scheme in one trust in London, it could spread across the country if successful. The Department estimates 700,000 NHS staff are overweight.

<http://www.managers.org.uk/insights/news/2015/april/tesco-boss-tells-checkout-staff-theyre-too-fat>

5. Wellbeing and Ivy League magic

A US entrepreneur has decided to substantially increase the wages of all his employees after reading a Princeton University study about the positive effects on staff emotional wellbeing of a good salary.

Since the start of the financial crisis, company executives have been routinely criticised for having salaries far greater than their average employee. But the boss of an American credit card payment processing company has taken a bold step to tackle this disparity.

Dan Price, founder of Gravity Payments, has raised the minimum wage of his

employees to \$70,000 (approx. £48,000), funding the increase by reducing his own pay.

Well over half the employees will receive a pay rise, with 30 seeing their salaries double. He decided to take this step after reading a study on happiness in the workplace. The research conducted by Nobel Prize-winning economist Angus Deaton and psychologist Daniel Kahneman found that 'emotional well-being' increases with income. However, according to the study, this increase has a limit; and that's around £50,000 a year – at which more money had no measurable effect on day-to-day contentment.

Also cutting his own salary to \$70,000, (but temporarily) he said that he thought CEO pay was "way out of whack", and he also wanted the company to be sustainable.

http://www.managers.org.uk/insights/news/2015/april/ceo-takes-pay-cut-raises-staff-minimum-wage-to?utm_source=Chartered+Management+Institute&utm_medium=email&utm_campaign=5594830+Insights+17+April+2015&dm_i=SYT,3BWZY,5JWT4U,BWYBK,1

It doesn't take a Nobel-prize winner to conclude that decent pay is a major contributor to personal happiness, but I like the altruism, however short-lived it might be. If your employer is banging on about staff well-being and how to achieve it, why not give your VC or principal a copy of this article.

6. Stress and workload in one FE college

I've been sent the report from a workload-related stress survey conducted by the UCU Branch in an English FE college. The accompanying

e-mail simply said that the report was presented to the management at the college, and it left them stunned, and as a result more work was being undertaken by UCU in respect of workload issues.

The survey was based on the model survey in the UCU stress toolkit, amended by the Branch, and circulated electronically using Google Forms. The best overall aspect of the report was its simplicity and the clarity with which the results were presented. Two specific things stood out.

One was that they found a positive relationship between workloads and health; 99% described their health as very good, good or OK 3 years ago, while only 27% said that was the case today. In the same period, 87% described their workload as manageable 3 years ago, but that had fallen to 26% today. 84% of the respondents said that their workload, and the stress associated with it are causing them to reconsider their position at the college. The second striking aspect was that of the total number of respondents, only 42% were UCU members, and with one exception, the rest were all non-members of any trade union. So that's the potential for UCU in contacting non-members, and the opportunities for recruiting and organising.

The Branch has promised to let me have the survey, and I'll circulate that, and post a copy on the UCU website so that others can use it. It comes with the recommendation of UCU Health & Safety Advice. I'll have a copy of the report with me at Congress.

7. UCU Congress 2015

We will have the usual health and safety stand at Congress this year, and this year our focus is on stress. Our fringe meeting is on Saturday lunchtime, and the topic is Work-related stress: dealing with the problem; this because of the failure by the official enforcer to deal with the problem. We will have copies of the new version of the Safety Representatives & Safety Committees Regulations, and some copies of recent Hazards magazines. So if you are a Congress delegate come and say Hello, and pick-up your new copy of the Regulations. If not, ask one of your Branch delegates to pick one up for you.

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