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### 1. Student numbers in workshops

We continue to get enquiries about maximum numbers of students in craft workshops, and I'm sure this will arise again as the new intake arrives in September. So this is by way of a reminder of the position recommended by the British Standards Institution in their publication BS 4163:2014 Health and safety for design and technology in educational and similar establishments – Code of practice, and guidance issued by the Design and Technology Association on their website at: <https://www.data.org.uk/for-education/health-and-safety/maximum-number-of-pupils-taught-within-dt-workshops-and-studios/>

Student numbers should be a maximum of 20 should be made on the basis of a suitable and sufficient risk assessment, and key factors that need to be taken into account include:

- The size and layout of the work area.
- The size and number of items of furniture and equipment in the work area.
- The type of activities carried out in the work area.

- The age and ability of the learners.
- The competence and experience of the teacher.
- The extent of technician or other appropriate support.
- Whether learners with special needs are present.
- Whether there are learners whose first language is not English.
- The behaviour of the learners.

The British Standards Code of Practice reminds employers that:

*"If the number of learners in a teaching area exceeds the number for which the room was planned, or creates unsafe working conditions, the employer may be held liable under the Health and Safety at Work etc. Act 1974 for failing to provide safe working conditions."*

BSI publications are expensive; they might be available in the college library, or if there is a problem with numbers you need to take-up with the employer, ask your employer to provide you with a copy – it is a facility and assistance you reasonably require under SRSC Regulation 4A(2), so they are required to provide it.

## **2. 2015 trade union bill**

There is a statutory duty on the employer to permit trade union health and safety representatives as much paid time off as they need to undertake their functions and activities, set out in Regulation 4(2) of the Safety Representatives and Safety Committees Regulations 1977. It is absolute. The regulations do not say that the employer can decide to restrict this time. If a representative needs it, they need it; we know that it will vary from week to week according to the demands placed on reps.

The Trade Union Bill presented to parliament on 15 July does two things. Firstly it says that any public sector employer who has at least one union health and safety representative, will have to record and publish all the time taken and any facilities provided. This is bureaucratic, pointless and will just mean that both employers and union representatives will have to spend a lot of time on paperwork.

Much more threatening is the proposal to allow ministers to restrict the rights to time off given to union health and safety representatives by amending the Health and Safety at Work Act. All they have to do is introduce new regulations. This is a really vindictive proposal, and of course an underhand one- sneaking in the right to make changes by Statutory Instrument into a much wider Bill.

The current time off regulations are clear and simple and apply to all workplaces where there is a recognised union. The Government now seeks permission to tear these up in the public sector. Even if the Bill does become law they could not do it entirely, as European legislation states clearly that

employers have to allow health and safety representatives "adequate time off work, without loss of pay" to exercise their functions. However, they may well try to reduce some of the current requirements that are laid down in the 1977 Regulations.

At no time have the Government given any justification for this proposal. As the earlier TUC report "The Union Effect" shows, union health and safety representatives save hundreds of lives and prevent tens of thousands of injuries and illnesses. Workplaces with union representatives and a joint safety committee have half the serious injury rate of those without. Any reasonable employer welcomes the presence of health and safety representatives, including most in the public sector. That is why this move makes absolutely no sense from a regulatory point of view. It will not save money or remove bureaucracy, nor will it improve safety. It is simply an ideologically-led knee-jerk reaction.

## **3. Homeworking on the rise**

The number of people working regularly from home has increased by more than 800,000 since 2005, according to analysis by the TUC. The findings were published in June to mark the tenth national Work from Home Day, and bring the total number of homeworkers to 4,218,699, 13.7 per cent of the workforce. The TUC used figures from the government's official Work-Life Balance Survey 2013 and the ONS Labour Force Survey.

Homeworking is less common in the public sector, with just 7.1 per cent in education working from home. The ability to work from home is also strongly associated with occupational

seniority, with one in five managers working from home (20.1 per cent)

The TUC report also said that recent US research found that home workers generated an extra day's worth of work each week compared to those working in the office.

UCU has members whose workplace is their home; and we have many members who do work at home when they are not required to be in the workplace. Where working from home is part of the employee's normal contractual arrangements, then there is no argument that the employer continues to have the normal duties and responsibilities in respect of health and safety; they need to ensure the workplace is safe for the kind of work being done there, so that means risk assessment. But where an employer says (as they seem to be doing more often) you don't have to come into the university when you are not required to teach or attend meetings, then the statutory responsibility is less clear, with some arguing that they have no responsibility as working from home is a matter of personal choice. So lots of potential to make arguments and demands to improve conditions for those who do work at home; the provision of proper DSE-use adjustable seating to those working at home is a good example.

More information from HSE at: <http://www.hse.gov.uk/toolbox/workers/home.htm> and:

<http://www.hse.gov.uk/office/> More on National Work from Home Day is available at: <http://www.workwiseuk.org/>.

#### **4. I didn't know they could do this**

Petros Pogosyan's employer, Race Interiors Ltd, was prosecuted when he

fell through a skylight on to a concrete floor and suffered life changing injuries. Petros is paralysed from the waist down, psychologically traumatised, has damage to his brain and is now partially deaf. The court was told he will need personal care for the rest of his life, and will never work again. His wife had to give up work to care for him, and they are reduced to living on state benefits.

Judge May QC ruled that the company fell far short of the required standards for managing risks at work as the supervisor was not trained and there was a complete lack of planning with no risk assessment or method statement for the work. She fined the employer £60,000 with costs of £7,784 after they had pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act.

However, in a highly unusual move the judge converted the fine into a compensation order of £60,000 to be paid directly to Mr Pogosyan. She described this as "an exceptional case" as Race Interiors are in dispute with its insurance company and Mr Pogosyan is unlikely, if at all, to receive any compensation for his injuries.

<http://press.hse.gov.uk/2015/construction-firm-sentenced-over-life-changing-fall/>

#### **5. Asbestos victims justice charter**

The Forum of Asbestos Victims Support Groups has just published a Charter for Justice. It sets out some fairly simple measures that would make a real difference to those diagnosed with an asbestos related disease. It calls for a more consistent approach in the welfare benefits payments available to sufferers; fairer compensation, particularly for those with lung cancer related to asbestos exposure; improved

medical treatment and provision; adequate funding for research, and a national awareness campaign as part of prevention of future exposure.

More information from:

[www.asbestosforum.org.uk](http://www.asbestosforum.org.uk)

## **6. Fit Notes and Fit for Work Service not very well**

So-called flagship initiatives aimed at getting sick and injured workers back into the workplace as soon as possible don't appear to be working very well. XpertHR reports that 76% of 680 employers, and 61% of 1,000 GP's surveyed by YouGov were unaware of the new Fit for Work service. The worrying statistic appears to indicate that ministers still have a long way to go to raise awareness of the new service, which is still in what has turned-out to be an extended pilot phase. It has now been extended to South Yorkshire and Bassetlaw and Abertawe Bro Morgannwg in Wales, areas which have joined the initial pilot sites of Sheffield and Betsi Cadwaladr. The survey also asked employers about the Government's new £500 tax break for employee medical treatments; only 14% of employers were aware of this, but 70% of those said they were more likely to do something because of the subsidy.

Of the minority of GP's who were aware of the service, a third of them did not plan to use it, mainly because they believed that it was the employer's responsibility to address the problem of workplace absence. More than half didn't believe the service would help reduce absence levels.

Once Fit for Work is in place for GP referrals, then employers are expected to be able to refer into the service,

probably from the autumn, but given the slow progress with the pilots, that may be an optimistic expectation.

UCU branches should remember that referral to a Fit for Work assessment requires explicit and informed consent by the patient, and they can withdraw this at any stage in the process.

Meanwhile, the "Fit Note" staggers on. A survey by manufacturers' organisation EEF, in conjunction with Jelf Employee Benefits, showed that 43% of employers believe the fit note scheme is not helping employees return to work. This is an increase from 35% in 2010, when the scheme was introduced. Just 22% of those surveyed said fit notes had helped to facilitate earlier returns to work.

The survey reported that insufficient training on the use of fit notes for GPs and other medical professionals, as well as a lack of collaboration with employers, were factors restricting their use. EEF claims that only one in eight GP's has been trained in workplace health issues, and there has been insufficient Government input. They recommended that the government provided targeted advice for employers; modified the "fit note" to include a referral to the Fit for Work Service; and produced clear guidance to show the interaction between the Fit for Work Service and the fit note.

UCU has published guidance to Branches on the Fit for Work service here:

[http://www.ucu.org.uk/media/docs/4/2/ucu\\_fitforworkassessments\\_bulletpoint\\_sforbranches.doc](http://www.ucu.org.uk/media/docs/4/2/ucu_fitforworkassessments_bulletpoint_sforbranches.doc) and:

[http://www.ucu.org.uk/media/pdf/c/l/U\\_CU\\_Briefing\\_on\\_The\\_Fit\\_Note.pdf](http://www.ucu.org.uk/media/pdf/c/l/U_CU_Briefing_on_The_Fit_Note.pdf) for a UCU briefing on the fit note.

## **7. Training and information**

The UCU Training programme for 2015-16, including health and safety courses is now published at:

[http://www.ucu.org.uk/media/pdf/l/p/Activist\\_guide\\_2015-16.pdf](http://www.ucu.org.uk/media/pdf/l/p/Activist_guide_2015-16.pdf)

Please ensure that all members of your Branch committee has attended the health and safety courses; and all you safety reps should think about attending the Effective Negotiating and Bargaining course as well.

Here at the Hazards Centre, Hilda and I have just completed the update of the TUC Hazards at Work manual, and that should be printed and published by the TUC Congress in the autumn. Please ensure that your Branch has at least

one copy; as there has been a substantial number of changes since the previous edition. There is a preferential price for reps who purchase one when you are on a H&S course – usually about a 75% discount. Don't forget to ask your employer to provide it for you – SRSC Regulation 4A(2) again.

We are off for the summer on the 24 July; UCU Health & Safety advice will be back on-line on 14 September, all being well. Have a good break.

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