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1. Improving members' involvement

Many health, safety and welfare issues are of great concern to our members, and they look to the union to take them up on their behalf. UCU action taken to resolve a local H&S problem will often be immediately and readily observed in the workplace, providing positive evidence of the value of union organisation and membership. But we also need to challenge the idea that UCU is just another form of insurance company providing a service when problems arise; we need to emphasise that a trade union needs its members to participate in, and support its activities as a representative organisation. Here we suggest how health and safety legislation provides a foundation on which to build membership involvement in our safety rep activities.

The TUC has been promoting this "organising approach" for many years, and the TUC are working on updating some earlier training materials aimed at branches and other activists around health, safety and welfare issues. The basic principle is that we need to encourage those we represent to become involved, so we do things with them in a collective way, rather than just do things on their behalf. That also helps us draw favourable comparison with an employer's

approach where they often act unilaterally regardless of the consequences to our members, rather than bringing us into the decision-making process in a truly consultative and participative way as the Health & Safety at Work Act requires.

The Management of Health & Safety at Work Regulations mostly impose duties on employers in respect of the way they manage the health, safety & welfare of staff and others, but Regulation 14 places two important duties on employees. It requires employees to tell their employer *of any work situation which they would reasonably consider represented a serious and immediate danger to health and safety; and of any matter which they would reasonably consider represented a shortcoming in the employer's protection arrangements for health and safety.*

Like much of health and safety legislation, the way in which this is capable of being interpreted or enforced can be somewhat obscure, but the principle should be that it's better to make sure employees don't set themselves at risk by failing to do what the Regulations require. Let's take a simple example appropriate for this time of year; it's too cold and people are complaining. We suggest all or some of the following actions by individuals would be appropriate:

- Tell their manager that they don't consider the temperature to be reasonable. Confirm this in writing or by e-mail. Copy the letter or e-mail to the principal and the UCU health and safety representative. Put "It's too cold today" in the subject line of an e-mail.
- Ask line managers for a thermometer to check the temperature. The law requires employers to provide a sufficient number of these so employees can check. The Workplace Regulations guidance says 16°C minimum, which isn't really warm enough; better is the CIBSE recommendation of 19°C to 21°C.
- Tell the UCU health and safety representative it isn't warm enough and ask them to come and investigate and raise the issue with the management.
- Find out if others feel too cold and make a collective complaint.
- Ask the employer to provide some supplementary heating – a fan heater is appropriate in a staff room, or perhaps something bigger in a classroom.
- Ask student groups what they think. Student complaints are often of greater concern to the employer than employee complaints.

An approach like this gets everyone involved, and makes it very clear to the employer there is a problem they need to deal with. It also lets members see the value of being active on H&S matters to get problems sorted out – and if you make the right approach, you can even get some volunteers to be safety reps.

See Regulation 14:

<http://www.legislation.gov.uk/ukxi/1999/3242/contents/made>

2. Using your own vehicle for college business

We covered this some time ago, but there have been a couple of recent enquiries, so I think it worth reminding you. Driving as any part of your work is covered by health and safety legislation, as the HSE clearly state in their guidance document *Driving at Work: Managing work-related road safety*.

<http://www.hse.gov.uk/pubns/indg382.pdf>

ROSPA research suggests that around one third of all driving hours are work-related in some way, and suggest that probably means around one third of road incidents, injuries and deaths are similarly proportioned; so around 600 of the 1,800 killed on the roads are at work in some capacity. Many university and college staff travel between sites in order to do their job, to deliver classes or tutorials, for meetings, to visit students on work placements and so on. Many use their own vehicles to do so. It is important that they have the correct insurance that covers them for business use – most policies default to a journey to and from a single place of work. If you use your car to travel while at work, you will need more extensive cover. A few insurance policies provide that as part of the basic cover; some provide it as an addition when asked but make no charge, and some charge an additional premium. Your employer should ensure that staff members driving on work-related activity have the appropriate cover. Without it, in the event of a crash or other incident while on work-related business, police could impound the car as uninsured, and the driver may be charged with an offence that will collect a fine and penalty points on their licence. See our factsheet at the bottom of the list here:

<http://www.ucu.org.uk/hsfacts>

There may be additional losses. Most drivers agree to bear some of the cost of repairable damage or total loss – the

policy excess – as a way to reduce the policy premium. So the car owner will bear the cost of any uninsured loss caused by a crash; they will pay their own policy excess; they may lose their no-claims discount; and they may get a settlement that is much less than the cost of repairing or replacing the damaged or written-off vehicle. Even if the crash was the fault of another driver, some of the uninsured costs may be recovered, but not necessarily the full cost of replacement. So that's a potential subsidy for the employer - they get the flexibility and benefits of staff using their own car, but bear little of the cost if it goes wrong. That seems to be a strong argument for our members to use either a college/university owned car, or travel by taxi or public transport unless there are satisfactory arrangements in place with the employer.

3. Classroom overcrowding

Our item on student numbers in workshops in HSNEWS 83 prompted an enquiry about numbers in ordinary classrooms. Here again, the numbers of students in a classroom should also be determined by the risk assessment, taking into account factors like adequate ventilation, furniture layout that ensures ease of ability to escape in case of fire or other emergency, so sufficient space between tables and chairs to do that, and not cluttered with bags and coats for instance, and student and staff comfort (overcrowding can lead to students becoming disruptive and aggressive for example).

Too many people usually results in unreasonable temperature and lack of fresh air - both covered by the Workplace Health, Safety and Welfare Regulations 1992; Regulations 5 and 6. <http://www.hse.gov.uk/pubns/books/l24.htm> The Guidance Paragraph 57 says that the ventilation standard should be between 5 - 8 litres of fresh air per person per second. To ensure this standard is met, there should be an assessed

maximum number of people in the room, and where a maximum number is posted for a classroom, that should not be exceeded.

Overcrowding can be a real hazard. There was a case in a college a few years ago where there was almost twice the specified number in a room when violence broke out between rival gang members. Other students were punched and kicked as they couldn't get out the way fast enough and the lecturer was quite badly physically injured and was so traumatised that she never returned to her job at the college.

Maximum numbers in a classroom are there for some valid reason, not just for fun, so there is never a good reason to exceed the stated numbers. If you need to, ask for evidence that action has been taken to ensure that rooms are not overcrowded, that the standards for temperature and ventilation are being met, and that the provisions for escape in cases of emergency are not impeded – that should all be part of the recorded main points of the risk assessment.

4. Safety reps, stress and risk assessment

Employers must conduct suitable and sufficient risk assessments that identify all potential hazards to health in the workplace; work out the level of risk they pose to the health and safety (we'd included welfare as well) of the employees affected; then devise and implement suitable control measures to either eliminate (best) or manage the risks down to a level where they are unlikely to cause harm (this may still leave a few employees exposed at the margin, but that is the legal standard). The main points of the assessment must be recorded. Assessments must be reviewed if there is reason to suspect they are no longer valid - that's usually either because there has been an incident that caused or almost caused harm, or that some of the original assessment's circumstances have

changed. This duty is imposed by the Management of Health & Safety at Work Regulations 1999, Regulation 3.

Regulation 10 then requires employers to give the employees to whom the assessment relates information about the risks identified, and what steps have been taken to manage those to an acceptable level. An increase in student numbers in a class would be such a change in respect of a lecturer's workload - including all the associated work that goes along with each student. That is covered by the HSE's Stress Management Standards "Demands" factor. See HSE guidance to employers at: <http://www.hse.gov.uk/pubns/indg430.pdf>

You know that work hazards are not just physical and tangible; they can also be what the HSE calls psycho-social hazards - those circumstances that can cause stress-related reactions and consequent mental or physical ill-health. In 2004, HSE produced a toolkit <http://www.hse.gov.uk/stress/standards/downloads.htm> to help employers conduct risk assessments for such risks, but the willingness of employers to use this has been patchy. The HSE toolkit is only guidance, so employers can choose an alternative approach that meets the standard of "suitable and sufficient"; some employers have claimed their annual staff survey is such an appropriate alternative. The HSE Stress Management Standards approach only gives a general picture, which will often need more detailed investigation.

Failure to identify and deal with stress factors in a risk assessment means that either the risk is insignificant so no action needs to be taken (in which case that should be recorded in the main points document), or the assessment does not meet the legal standard of "suitable and sufficient". Employers must consult with safety reps on any matter that has a substantial effect on employees - risk assessment is such a matter as it is required in all circumstances, and is the

key to how the employer manages H&S at work and meets their legal and other obligations.

You need to do some homework for starters, so request a copy of the recorded main points of the assessment documents so you can see what has been done, and where there may be weaknesses - for example, if there is no reference to stress factors you will need to ask where these are (they may have been done separately, for instance) and ask for those records too. If there are no stress factors assessed by the employer, then you need to collect evidence there is a problem - people going off sick for stress-related reasons, for example, and insist that a proper risk assessment is undertaken that identifies all risks to health.

Employers who support the principles underpinning the provisions of the Health & Safety at Work Act on the involvement of employees and their representatives, and comply with the consultation and involvement requirements on them will be only too happy to share information about sickness absence and the reasons for it with the union safety reps - Guidance paragraph 77(b) to the SRSC Regulations recommends that such information be shared with the union at safety committee meetings so it can be discussed and reports made to the management with recommendations for corrective action where it may be needed.

Our latest, more detailed factsheet on this can be downloaded from the UCU website at:

http://www.ucu.org.uk/media/pdf/2/b/ucu_factsheet_riskassessment_oct15.pdf

5. A good read

Hugh Robertson, TUC senior policy officer has been remarkably busy recently "blogging" on the TUC's Stronger Unions site. His latest article concerns a recent EU information sheet and protection for the health and safety of hairdressers.

Originally part of a questionable media story a few years ago, part of the “elf ‘n safety gone mad” media approach, they claimed that hairdressers would be banned by HSE from wearing shoes with heels. The real issues for hairdressers are exposure to hazardous chemical and their effects on skin and the respiratory system, musculo-skeletal injuries caused by repetitive movements, wet and slippery floors and issues related to pregnancy for many workers in the industry. An area of practical interest for a lot of UCU members, and certainly for the students they teach.

All Hugh’s articles are worth reading, so visit the blogsite here to access his recent work:

<http://strongerunions.org/author/hughrobertson/>

6. Electro-magnetic fields

In March we gave you information about the latest EU directive on electromagnetic fields and information from ETUI and an EU guide to risk assessment. Member states have until 1 July 2016 to comply with the Directive. The EU has now published a second guide (Volume 2) for implementing Directive 2013/35/EU here: <http://ec.europa.eu/social/main.jsp?catId=82&langId=en&furtherPubs=yes>

The Directive lays down the minimum safety requirements regarding the exposure of workers to potential risks arising from electromagnetic fields. Some people may be particularly at risk; for example those with a pacemaker fitted. The guide has been prepared to help employers, particularly SME’s, to

understand what they will need to do to comply with the Directive. It now consists of two documents.

Volume 1 provides advice on carrying out risk assessment and further advice on the options that may be available where employers need to implement additional protective or preventive measures. Volume 2 presents twelve case studies that show employers how to approach assessments and illustrates some of the preventive and protective measures that might be selected and implemented. The case studies were compiled from real work situations.

More information on non-ionising radiation from HSE and lots of links to other sites and information here:

<http://www.hse.gov.uk/radiation/nonionising/directive.htm>

Don’t forget - what works for SME’s works for all employers

7. Health & Safety Training

Karen Brooks, the UCU Training Officer has programmed two additional 3-day stage 1 Health and Safety courses for early next year.

London (Carlow Street) from Monday 8 – Wednesday 10 February 2016.

Edinburgh from Wednesday 16 – Friday 18 March 2016.

More information from:

training@ucu.org.uk

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