



April 2003

Issue 26

Still Killing Workers! Still no law against it.

Workers Memorial Day 2003 is nearly here and still we await a law to effectively punish those responsible for workers deaths.

Death and destruction stalk our workplaces every day. The number of people killed by their work is far greater than those killed by war, famine, or AIDS. More people are killed in Britain by asbestos than on the roads.

According to the Health and Safety Executive (HSE), in Great Britain last year 249 workers were killed in incidents at work, 384 members of the public were also killed, and an estimated 10,000 people died due to occupational illnesses; 4,000 of these due to asbestos. At least 70% of the deaths and injuries in Britain are the result of employers failure to manage health and safety properly. They could and should have been prevented.

Workers and trade unionists across the world mark 28 April, International Workers Memorial Day, as a day to "Remember the Dead and Fight for the Living". We fight for the living by campaigning for better health and safety at work and for the prevention of death, injury, and disease through real partnership with employers, increased rights for trade union safety reps, strict enforcement of health and safety laws, and serious fines and imprisonment for those who break them. Higher fines and imprisonment would deter bad practice and reward good employers by cracking down on cowboys.

This year those interested in workers health and safety are demanding real corporate social responsibility and real corporate accountability for workplace health and safety.

When employers kill, injure, or make ill, a worker or member of the public, they should be thoroughly investigated. If found to be negligent or in breach of health and safety law, then they should be treated like any other criminal. Presently, fines are way too low and often derisory, and imprisonment is not available for most health and safety breaches.

Real corporate social responsibility means making health and safety a top priority by involving and consulting workers and safety reps. UNISON and the rest of the union movement wants the government to act upon its promises and introduce the laws which will make corporate bodies accountable. These include:

- a new law against corporate killing;
- a legal duty on directors,
- higher fines, innovative penalties, and wider powers for courts to send grossly negligent employers to prison,
- safety reps in more workplaces and with more influence (roving safety reps and provisional

- improvement notices (PINS) for example) to promote better health and safety standards, and
- more funding for the HSE and local authority health and safety inspectors.

Without legal reforms such as these, killing or injuring workers and members of the public will continue to be seen as lesser crimes.

A partnership approach in the workplace also has potential. There is a lot of evidence which shows that worker involvement is crucial to improving health and safety and that trade unions are the most effective way to achieve this involvement. Workplaces with union safety reps and full consultation have half the number of major accidents as workplaces without. So the long-term goal must be a safety rep for every workplace either by organising and recruitment or through roving safety reps, and for all safety reps to have the right to serve PINS when their employers break the law.

On or near Workers Memorial Day, the families of those killed, trade unions, trades union councils, victim support groups, and other activists will be organising events all over Britain. Some of the many UNISON events will include:

- South East UNISON holding a Network Day for safety reps. It hopes to plant a tree in memory of workers killed at work and hold a talk by the Simon Jones Campaign.
- Bristol City Council and UNISON Branch holding a ceremony at a 'memorial' birch tree planted 3 years ago. A ribbon for each work related death within the South West Division of the HSE will be tied to the tree.
- Dewsbury UNISON Health Care Branch in association with the North Kirklees TUC laying a wreath at the Garden of Remembrance on Saturday 26 April.
- UNISON Brighton and Hove Branch planting a tree at the West side of St Peters Church, York Place, Brighton followed by a short commemorative service with Health and Safety Commissioner and Councillor Joyce Edmond-Smith.
- Telford Local Government Branch holding a short service of remembrance for those killed or injured by their work, on Wednesday 30 April at the Chapel of Christ The King, Meeting Point House, Telford.

UNISON nationally has produced an A4 Workers Memorial Day poster with an order form. A copy of both has been sent to every branch health and safety officer, as has a bulletin giving further ideas of what to do to mark the Day and further the Campaign. This can be found on UNISON's website.

You may want to find out about and take part in any activities planned by: your UNISON Regional Health and Safety Committee, other unions, your local Hazards group, or your regional TUC or Trades Council. Further details about the Day are on the web at: http://www.tuc.org.uk/h_and_s/tuc-6445-f0.cfm with details of other events at http://www.tuc.org.uk/h_and_s/tuc-6441-f0.cfm

Lastly, if you have a particularly successful Day or arrange something novel or which captures the attention of the press, let us know so that we can spread the word. Email or write to Vincent Borg at the address below.

Get it by Email!

UNISON has a new health and safety email distribution list. Join it and you'll get emailed: copies of *Health and Safety Organiser*, UNISON's health and safety bulletins and information sheets, details of our new guides, and other up-to-date information on health and safety developments.

To subscribe, just send an email to: listserv@unison.co.uk with 'subscribe health and safety newslst' in the body of the email. To unsubscribe, simply type 'unsubscribe health and safety newslst' in the body of

the email. Do not send other mail to this address.

Safety success with a UIN

Stephen Garrett, UNISON safety rep within the National Blood Service used a union inspection notice (UIN) to follow up on the issue of inadequate lighting at a particular venue. The lighting in the hall was designed for sports and not work. A survey found that staff were suffering from headaches and eyestrain, and had difficulty finding veins to take blood from donors. Complaints about the venue had first been raised almost a year earlier.

Stephen's UIN which included 3 possible solutions, prompted the employer to conduct an inspection and acknowledge some of the concerns, but it failed to offer any satisfactory remedy. Stephen therefore challenged the employers response by letter, stating that it was unacceptable that whilst acknowledging the hazards it was not prepared to take any effective steps. Whilst it failed to reply to Stephen, the employer did change the venue to somewhere more appropriate. So now that's one less issue for Stephen to deal with. Keep up the good work!

- For more information on UINS, refer back to the special feature pages in *Health and Safety Organiser*, issues p20 and 22.

Roving Safety Reps Working!

An interim report on the 2002 Health and Safety Commission's (HSC's) worker safety adviser (WSA) pilots shows that roving safety reps (called WSAs by the HSC) are working. Workers in the 108 small workplaces covered reported:

- a more positive approach to health and safety,
- health and safety being taken more seriously or given more importance,
- being encouraged to suggest improvements to the working environment, and
- more open and regular discussions on health and safety.

The TUC believes "it is... clear that the WSA pilots have been a success - they have brought better health and safety standards and worker involvement to small firms that are often not reached by conventional means." The TUC now wants a nationwide pilot. The HSC will be considering the final report on the WSA pilot in May.

- UNISON is awaiting the consultation document on the proposed new safety reps regulations to argue the case for roving safety reps and provisional improvement notices (PINS). For more information on these, refer to the special feature pages in issues 20 (PINS and UINS) and 21 (roving reps) of *Health and Safety Organiser*.

Good Practice Awards 2003

Has your branch perhaps with the employer prevented the exposure of workers to dangerous chemicals via risk assessment and subsequent good practice? If so, why not enter the Good Practice Awards 2003. The awards, part of the Health and Safety Week Campaign aim to show by example the benefits of following good health and safety practices.

Further information is available from the UK Focal Point at the HSE. Tel: 0151 951 3191. Email: uk.focalpoint@hse.gsi.gov.uk Web: <http://osha.eu.int/ew2003/>

Please copy any entry that you make to Vincent Borg at the address on page below. UNISON and the

TUC want to publicise your success and may include it in future guidance.

More Awards for UNISON

Down Lisburn Health Branch has again won a regional Health and Safety Week Award jointly with the Health Trust. Last year it won both a regional and national award. Read about this branch's activities for Health and Safety Week 2002 in the December 2002 issue of *Health and Safety Organiser*.

Once again, UNISON is also amongst the list of national award winners. Chesterfield Borough Local Government Branch and the employer won for their joint efforts. With the other staff unions, many activities were organised during the Week including stroke awareness sessions and a survey on workplace stress. The survey received a good response, although the results were unexpected. The council is now working on tackling the problems identified.

- Don't forget, Health and Safety Week 2003 takes place between 13 – 19 October, with UNISON's National Inspection Day Campaign on Wednesday 15 October.

HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165. Website: http://www.hse.gov.uk

Special Feature

Lone Working

Many UNISON members work alone as part of their normal working day, but won't necessarily think of themselves as lone workers. Often neither will their employers consider them to be lone workers.

Working alone does not just mean working in complete isolation for the entire work period, or being miles away from any other person. A cleaner for example, may start work during normal office hours whilst the building is still very busy, but may be left alone by the end of the shift. In UNISON's guide on lone working there are a couple of definitions, but basically we're talking about "a worker who spends a large part of their working time without interaction or supervision from others". This may include: leisure centre staff, maintenance staff, rent collectors, home care workers, community nurses, personal advisers, and grounds maintenance staff. Almost anyone can be a lone worker.

WHAT MUST EMPLOYERS DO?

In general there is no law against lone working, but certain high-risk activities are prohibited when working alone. There are various general requirements covering all workers that may require some extra consideration when dealing with lone workers. Examples include: first aid, rest, and welfare facilities; and the provision of suitable equipment and training in its use.

However, the provision protecting most lone workers is the requirement for employers to assess, and then prevent or control all risks to health and safety, including lone working. This duty can be found under the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations.

Risk assessments must be carried out on all jobs, and with lone working must specifically consider any additional risks to health and safety. However, this does not mean that lone workers should necessarily be exposed to any greater risks.

Often employers will use a standard checklist and risk assess the physical environment or the way the work is supposedly done. This is not good enough. They must risk assess the work how it is actually done, and consider the real hazards. To identify the real hazards, various sources of information should be used including the accident book, and speaking to the safety reps and workers. They usually know more about the risks than their employer.

If a risk assessment shows that lone working is not safe, then an employer must take steps to prevent or control the risks. Otherwise lone working should be avoided. The risk assessment must also consider what procedures are necessary in the event of a serious and imminent danger so that a lone worker knows what to do if faced with such an event.

WHAT ARE THE HAZARDS?

Violence is often seen as the only or the most significant hazard which a lone worker may face. A proper risk assessment may show that this is not necessarily the case.

Below is a list of some of the common hazards lone workers may face. It is not exhaustive; there may be others of particular concern in different workplaces.

- Manual Handling – for example lifting and handling tasks that cannot be carried out safely by a lone worker.
- Fire – lone workers are often forgotten about when it comes to fire drills and evacuations.
- Hazardous Chemicals and other Substances – there are prohibitions against lone working and fumigation.
- Violence – lone workers may be more vulnerable although in high-risk situations, alternative arrangements or additional staff should be available so that working in pairs or groups is possible.
- Stress – due to the isolation.
- Driving – the main hazard here is breaking down in an isolated or dangerous area.
- Homeworking – can present a number of hazards, including: repetitive strain injury (RSI), back pain, stress, and possibly bullying or harassment.
- Working on another employers premises – their own employer must still risk assess their work, including any special risks because they work alone on someone else's site, and any risks to the other employers workers.

Whilst the hazards are generally the same as for other workers, the risk of harm is often greater, not because it's inevitable, but because appropriate preventative or controlling measures are not adopted and put in place by the employer.

INFORMATION, INSTRUCTION, AND TRAINING.

Where employees work alone, it is particularly important that they have the information and training to avoid panicking in unusual situations. They should be able to understand the hazards, the risks, the precautions that are needed, and what to do in an emergency. They should be given the competence to deal with circumstances which are new, unusual or even beyond the scope of the training, for example, when to stop working and seek advice. And this must be without any fear of reprisal. There must be clear policies and limits on what can and cannot be done whilst working alone.

Employers must supervise their employees health, safety, and welfare at work. With lone working, constant supervision is not possible so alternative arrangements must be put in place. The level of supervision required, the means of providing it, and the procedures under which lone workers report to base must also be identified by the risk assessment.

WHAT IF THERE IS A PROBLEM?

- Ensure that the local UNISON safety rep or branch is consulted.
- Ensure that there is a suitable and sufficient risk assessment:
 - ensure that it is acted upon, and
 - consider if it needs reviewing?

- Gather the evidence/get incidents recorded:
 - notify the employer and demand appropriate action.
- If the employer continually fails to act, consider:
 - taking the issue to the branch or joint health and safety committee,
 - using any internal dispute mechanism/taking out a grievance, or
 - if facing a serious and imminent risk, consider contacting your full time UNISON officer or the enforcing authorities as appropriate.

For further and more detailed advice on lone working, get a copy of UNISON's guide, *Working Alone* (stock no. 1750) from: UNISON, Communications Unit, 1 Mabledon Place, London, WC1H 9AJ. Or print a copy from: <http://www.unison.org.uk/acrobat/10943.pdf> Other guides and online ordering are also available from UNISON's website.

Guidance for Pregnant Women

New guidance aims to protect the health and safety of new or expectant mothers at work. These include women who are pregnant, have given birth in the last six months, or are breastfeeding. *A guide for New and Expectant Mothers who Work* answers some of the questions employees may have about continuing to work while pregnant and about returning to work after the birth. The guide (ISBN 07176 2614 8) is available free from HSE Books or on the web at: <http://www.hse.gov.uk/pubns/indg373.pdf>

Employers are by law required to assess the possible risks to women of child bearing age and to new and expectant mothers. If any risks are identified then the working conditions must be changed to remove the risks. If risks still remain, then suitable alternative work must be provided, or if this is not possible, suspension on full paid leave for as long as is necessary. *New and Expectant Mothers at Work – a guide for employers* (HSG122, ISBN 07176 25834) is also available and priced £9.50. *New and Expectant Mothers at Work - a guide for health professionals*, highlights the importance of health professionals' role in helping to protect new and expectant mothers. This is available free on the web at: <http://www.hse.gov.uk/pubns/indg373hp.pdf>.

Menopause - a Workplace Issue

The menopause raises health and welfare issues for hundreds of thousands of working women, but is a workplace issue ignored by most employers. In fact the TUC study, *Working Through the Change*, reveals that many women have jobs that could be making menopause-related symptoms worse. Based on a survey of 500 safety reps, it found that:

- only 1 in 5 employers provided information about the menopause,
- only 2% said health and safety policies covered menopause-related issues,
- 45% said their managers didn't recognise problems associated with the menopause,
- 1 in 3 respondents reported management criticism of menopause-related sick leave,
- over a third cited embarrassment or difficulties in discussing the menopause with their employers, and
- 1 in 5 spoke of criticism, ridicule, and even harassment from their managers when the subject was broached.

The symptoms of the menopause most likely to be made worse by work were: hot flushes (53%), headaches (46%), and tiredness and lethargy (45%).

There is no excuse for the silence, embarrassment, confusion, and inaction around the menopause; something which all women go through. The health of women in later years depends very much on their health when they are working through the menopause and employers are not doing enough to protect them.

The report, which includes detailed case studies, recommends employers provide better welfare facilities, rest breaks, and a lot more forethought and understanding.

For a copy of the full report, a summary, or an opportunity to share your experience go to: www.tuc.org.uk/menopause Single free copies of the report are also available by sending a large SAE to: Owen Tudor, TUC, Congress House, Great Russell Street, London, WC1B 3LS.

New Guides for RSI and new IT

New and updated HSE guidance deals for the first time with the risks of the latest IT equipment and modern ways of working. It makes it clear that screens used for CCTV monitoring are covered by the display screen equipment (DSE) regulations and draws attention to the way stress at work increases the risks of musculoskeletal disorders, such as backaches and RSI.

On launching the 3 guides, Health and Safety Commissioner Owen Tudor said that: "The time for excuses is over. By following the guidance, preventative action... can be taken quite easily and need not be costly... Excessive work pressures... often act alongside physical risk factors... and... influence both the onset and duration of RSI. Only an integrated management approach... is likely to be successful...".

The Law on VDUs: an easy guide (ISBN 0-7176-2602-4 and priced £8.50) is aimed at small employers and contains illustrated, practical advice. *Work with Display Screen Equipment* (ISBN 0-7176-2582-6 and priced £8.95) covers the same issues in full technical and legal detail and is aimed at large employers. Both include information on the latest equipment and modern ways of working, including: lap-tops; mouses, trackballs, and other pointing devices; home and teleworking; and on choosing appropriate software, such as programs that monitor rest pauses.

Aching arms (or RSI) in Small Businesses (INDG171(rev1)) is a new leaflet aimed at reducing RSI due to other non-DSE work. It offers advice, tips, and practical ideas. Single copies are free.

For individual VDU users there is the HSE's *Working with VDUs* (INDG36) available free for single copies and on the web at: <http://www.hse.gov.uk/pubns/indg36.pdf> All of the above publications (free and priced) are also available from HSE Books. UNISON's Guide on RSI (stock no. 1781) is available on UNISON's website or from: UNISON, Communications Unit, 1 Mabledon Place, London, WC1H 9AJ. Website: <http://www.unison.org.uk>

Temp. Workers more at Risk

Research from the London School of Economics, *The Hidden Costs of Fixed Term Contracts: The Impact on Work Accidents* confirms that permanent jobs are safer jobs. It found that temporary workers face almost twice the workplace accident risk. It basically concludes that for workers with short duration contracts the incentives to give proper training and information are less, plus the worker will be less experienced. Of course this is a price that some employers don't mind paying because they try to get away with lower employment costs by hiring temporary staff.

New Asthma Website

A new HSE website gives advice on how to reduce occupational asthma. Aimed at employers, safety reps, and others; the website is part of the HSC's campaign to reduce occupational asthma by 30% by the year 2010.

The site at <http://www.hse.gov.uk/asthma> sets out: the main causes, what the disease is like, what

employers must do, and what the HSE and other stakeholders are doing to tackle the problem. Have a look at the last issue of *Health and Safety Organiser* for details of the *Approved Code of Practice on Asthma*.

Health and Safety Organiser goes out to UNISON's health and safety reps and officers every two months, helping them to campaign and organise around safety in the workplace.

Health and Safety Organiser, Health and Safety Unit, UNISON, 1 Mabledon Place, London WC1H 9AJ.

Email: healthandsafety@unison.co.uk

Website: <http://www.unison.org.uk>

Printed and published by: UNISON, 1 Mabledon Place, London WC1H 9AJ.