

THE DAILY HAZARD

Rigged risk assessments threaten benefits workers

In a move described by a Benefits Agency manager as 'a political imperative', the Government's latest round of benefit changes will increase the risks of violence to Benefits Agency and Jobcentre workers, while simultaneously reducing their protection.

From October, unemployment benefit will be replaced by 'Job Seekers Allowance' (JSA). Claimants will receive the benefit for a shorter period and can be denied benefit for a far wider range of reasons. Frustration among claimants and in some cases violence can only increase.

Benefits Agency staff already suffer constant risk of violence and staff are protected by security screens. In inner city DSS offices, staff are threatened verbally almost every day. Clients frequently brandish knives or throw things at the screens, and in Nottingham someone recently produced a gun.

Yet the Government's plan is to transfer Benefits Agency workers administering JSA to open plan Jobcentres, which have no security screens.

Removal of screens from Jobcentres in favour of open plan offices began in 1989. By 1992 violent attacks on staff had increased by 50 per cent and in 1991-92 there was a series of strikes in Jobcentres opposing the continuing removal of screens. But the removal continued and in the following three year period the reported rate of increase was a staggering 250 per cent.

A risk assessment is required at every workplace for the new open plan work system. In a memo in January to the local trade unions in Hampshire, a district manager admitted, 'A political imperative directs Agency policy towards

administering JSA from ESJ [Employment Service Job centre] sites and interviewing without screens.' In other words, managers have been told by Government to rule out the use of screens no matter what the risk assessments say. CPSA branches say that advice by HSE inspectors during visits has been ignored. In Nottingham, consultants Mowlem Facilities, commissioned by the ES management, recommended screens but their recommendation was ignored by the ES risk assessor.

Local managers have proceeded mainly by using a generic national assessment issued from the Employment Services Agency and ignoring local conditions. Union representatives at Hounslow BA are among the many who have consulted the London Hazards Centre about the risk assessments, and they have drafted a detailed analysis of the assessments' failure to meet legal standards:

- the assessments make no provision for abuse or threatening behaviour, although these are part of the HSE definition of violence
- no situations have been assessed as high risk despite the frequency of violent attacks on staff
- apart from the question of screens, control measures such as fixing furniture down, and securing workspaces from public access, have been ignored
- consultation with unions has been minimal and all union criticisms have been ignored
- existing BA policies and procedures have been omitted: in particular, current BA policy is that claimants who have previously behaved violently should not be seen alone in an unscreened area.



In Nottingham, where employers ignored recommendations for protective screens, CPSA members staged a one-week protest strike.

'The risk assessors think that video cameras will stop attacks,' commented one BA worker. 'We don't need photos of our attackers — we already have their names, dates of birth and current address! People get so angry when they're told they are not eligible for benefit they don't care we know who they are.'

While the JSA plan will not be fully implemented until October, the BA/ES are running pilot trials with a few staff in selected centres.

The first stages of a large-scale confrontation are building up. CPSA members in Nottingham BA struck for a week in December. PTC and CPSA have already organised strike ballots at local members' request, in anticipation of a full-scale fight later in the year. At Peckham office, the site of another pilot, PTC members voted for action; at Stratford in East London, CPSA members did likewise. Meanwhile, the unions are

taking legal advice about whether their members could refuse dangerous work under the 'whistle-blower' provision of the Trade Union Reform Act (TURER). And at both national and branch level the unions are trying to put pressure on the HSE to step in: there is no sign so far that it is willing to do so.

Resources on violence

- LHC factsheet: Violence at work (June 1992). Free from the Centre.
- LHC handbook: *Hard Labour — Stress, Ill-health and Hazardous Employment Practices* (August 1994). £7.95 (incl p&p) from the Centre.
- LHC runs a training course on preventing violence at work.
- HSE free booklet: Violence to Staff. HSE Books, 01787-881165.
- USDAW, MSF, BIFU, UNISON, NUT, NASUWT and other unions publish guidance for members.

Buses and garment factories in Hackney

Hazards surveys support workers' organisation

Two recent surveys in Hackney have provided strong evidence of dangerous working conditions in both the public and private sectors. The surveys conducted by the Colin Roach Centre, a local workers' and community resource centre, covered a Council-run bus depot and some of the notorious textile sweatshops in the Borough.

Nearly three-quarters of the bus drivers surveyed in the Waterden Road depot reported that they suffered from respiratory conditions, including bad chests, coughs, wheezing and short breath. They associated the illnesses with their work, citing as evidence the fact that their condition improved at weekends and when they went on holiday. The drivers surveyed normally started work between 7.30 and 8 a.m., some time after a previous start by about 20-25 buses. They thus inhale diesel fumes from the earlier buses in a garage where there is no exhaust ventilation.

In addition to the respiratory problems, a high proportion of the drivers reported joint and muscle pains, headaches and

dizziness and skin conditions. More than half have taken time off sick with their job-related illnesses.

The questionnaires were distributed by the UNISON safety representative and the union is now going to take up the issues revealed by the survey and get the management to improve the working conditions.

The textile industry in Hackney has long been famous for the exploitation of Turkish and Kurdish workers. In many of the factories even the most basic facilities are missing. Less than a quarter of the workers surveyed could report that there was either hot and cold running water or a first aid kit in their factory. Not a single worker could say that there was a canteen on the premises. In many cases there were not even separate toilets for men and women.

Many work 70-80 hours a week with no overtime pay. They frequently suffer from skin and respiratory conditions from the chemicals used in the textile industry, many of which are carcinogenic. Fire precautions



Pat Gray, Hackney UNISON

Since moving to Waterden Road, five drivers and escorts have been prescribed asthma inhalers by their doctors.

are inadequate with escapes frequently blocked. Ventilation is often poor and cleaning and maintenance are inadequate.

Almost all the workers are immigrants without contracts or job security and would prefer to stay out of the way of the authorities. Most do not intend to stay in the UK for very long. They are thus particularly vulnerable

to exploitation in a traditionally cut-throat industry. Many of the garments they make are ultimately sold in major clothes shops and department stores.

But the workers are not taking the conditions lying down and are starting to get organised in the TGWU North London Textile Branch. As a number of successful disputes have shown recently, they are no longer prepared to put up with Dickensian conditions.

- A simple survey of workplace health can provide valuable information for organising. Examples are given in LHC handbooks. Contact LHC for advice.
- The Colin Roach Centre is at 56 Clarence Road, London E5 8BE, tel 0181-533-7111. The Centre runs advice sessions on workplace rights and publishes a members' bulletin.
- *Diesel Fumes at Work* fact sheet from SW Centre for TU Studies, Filton College South, Filton Avenue, Bristol BS12 7AT; tel 0117-9312121. The Centre recently organised a workers' conference on diesel hazards.

Islington Council attacks safety reps

Islington Council is planning an attack on the union safety reps structure. The objective is to eliminate the job of trade union branch health and safety officer and otherwise restrict the number of safety reps the unions can elect and the scope of their activities. But the unions are not going to knuckle under and are getting ready to defend their rights to protect their members and the public from unsafe conditions.

The Council has drawn up a draft 'Policy on Safety Representatives' which is now out for consultation by the unions and various management-side bodies in the Council. It is claimed that a new policy is required to assist, among other

purposes, safety reps in understanding their function. This aim is vitiated by the omission of a significant chunk of the relevant legislation and an apparent failure to understand that union safety reps are entirely independent of the employer. But the overall objective is clear, the management wants safety reps to spend as little time as possible on actually looking after their members.

The appointment of safety reps and their rights and functions are laid down in detail in the Safety Representatives and Safety Committees Regulations which came into force in 1978 and which were expanded in 1993. Basically this legislation entitles recognised unions to elect as

many reps as they want though the employer does have a say on how many of them get paid time off to carry out their functions. But employers should not have any say in elections. But this is what Islington is trying to do by introducing the concept of the 'recognition' of safety reps in defined constituencies by departmental heads. This would eliminate the crucial branch-level safety position. The management would like to restrict reps' functions by limiting their ability to attend safety committees and by not mentioning that they are entitled to investigate potential hazards and dangerous occurrences. Finally departmental heads would be given a lot of say in when and for how long reps can

carry out their union duties. This would put a lot of pressure on reps when their manager won't agree to giving them time off.

The Islington joint unions are convinced that the management has overstepped the mark in terms of the legal situation and will not be able to impose the new conditions. They are prepared to negotiate sensibly but not to give away their hard-won health and safety organisation. No doubt, many other boroughs will be looking at Islington to see what the outcome is. As employers chip away at union organisation in local government throughout London, Islington will be another test of the unions' ability to hang on to their agreements.

Construction (Design and Management) Regulations 1994

Chaotic management on building sites has killed and injured generations of building workers and allowed clients, architects and contractors to evade the consequences specifying toxic materials and unsafe work methods.

Now an important tool is placed in safety reps' hands in the form of The Construction (Design and Management) Regulations 1994 (CDM). CDM aims to improve the management of health, safety and welfare through all stages of a construction project. They also ensure that safety information about a building is available for construction workers and users of the building after construction has ended.

Safety representatives will be able to use the regulations to fight for better health and safety standards in all building work.

The basic idea of CDM is to define a number of roles in construction projects — clients, planning supervisors, designers and contractors — and place specific duties on each role along with a general duty to co-operate with each other.

CDM also requires two important new documents, the health and safety plan during a project and the health and safety file at the end.

Where CDM applies

The Regulations took effect from 31 March 1995.

CDM basically applies to:

- all demolition work where safety is enforced by the HSE
- all building and maintenance work which is notifiable to the local HSE (ie lasts more than 30 days) or which involves 5 or more workers
- but not work on domestic premises or minor work in occupied offices, shops or similar premises.

There are some complicated borderline cases and if in doubt you should check the full guidance.

What employers must do

The Client

The client is the firm or individual for whom a project is carried out, and must

- appoint a planning supervisor and a principal contractor and ensure that they are competent and have sufficient resources to carry out their health and safety responsibilities
- ensure that construction work does not start until a suitable health and safety plan has been prepared by the principal contractor
- ensure the health and safety file is available for inspection after construction (Regs 4-12)

The Planning Supervisor

The Planning Supervisor has to coordinate the health and safety aspects of the project design and initial planning and must

- ensure a pre-tender safety plan is prepared
- ensure a safety file is prepared and delivered to client on completion of the work
- ensure that designers comply with health and safety duties, are competent and cooperate with each other (Reg 14)

The Designer

The designer must

- ensure that structures are designed to avoid risks to health and safety or reduce risks at source if they cannot be avoided altogether
- provide adequate information on health and safety and ensure this is passed to the planning supervisor for inclusion in the health and safety plan (Reg 13)

The Principal Contractor

The principal contractor must

- take over the health and safety plan and ensure it is developed and implemented

- ensure that contractors are competent and that they cooperate and comply with health and safety duties

- ensure that contractors are provided with information

- ensure that employees are properly consulted, informed and trained

- pass information for the health and safety file to the planning supervisor (Regs 16-18)

The Health and Safety Plan

There should be a pre-tender plan which describes the work and risks to workers. Then a full health and safety plan must be developed for the construction phase. This should include

- a description of the project
- arrangements for managing the project and monitoring compliance with health and safety requirements
- the risks to health and safety
- arrangements for the welfare of people working on the project

Guidance to the regulations sets out in detail the range of information which should be included in the plan. (Reg 15)

The Health and Safety File

A health and safety file must be prepared providing the end user with information about the risks which have to be managed during maintenance, repair, renovation or demolition. This must be made available to anyone doing any future work on the structure. Guidance to the regulations recommends that the file include

- drawings and plans
- the design criteria
- the construction methods and materials used
- maintenance procedures for the structure

- specialist operating and maintenance manuals

- location and nature of all utilities and services including emergency and fire-fighting systems (Regs 12-14)

Rights of employees and self-employed workers

You have rights:

- to health and safety information and training related to the construction work

- to express your views to the principal contractor about any health and safety matters related to the construction work

The principal contractor is responsible for making arrangements for both of these.

Before you start work, your employer must give you:

- the name of the planning supervisor and principal contractor
- the health and safety plan or relevant parts of it (Regs 17-19)

Other legislation still applies

There are several existing regulations which deal with specific processes and facilities. CDM replaces only the general management obligations of these. So in following CDM, employers must comply with:

- The Construction (General Provisions) Regulations 1961
- The Construction (Lifting Operations) Regulations 1961
- The Construction (Working Places) Regulations 1966
- The Construction (Health and Welfare) Regulations 1966

Action to take

Before starting work make sure that your employer or the contractor you are working for provides you with health and safety

information and training and make sure that you know who the principal contractor is (not necessarily the biggest on site).

If you are not satisfied use your right to speak to the principal contractor about health and safety matters that concern you.

If you carry out any repair, maintenance or demolition on buildings in the future ask to see the health and safety file for the building first.

If the building work is not covered by CDM ask for health and safety information that meets the same standards.

If you are a safety representative, use CDM to secure safe conditions for all construction work and work on buildings. Use your additional consultation, information and inspection rights under the Safety Representatives and Safety Committees Regulations 1977 to

- ensure you are consulted and involved from the start

- check the health and safety plan

- check the name of the planning supervisor and principal contractor

- check that members have been given health and safety information and training

- check the health and safety file

If management are not complying with CDM it may be worth tipping off the HSE. They have been talking tough on enforcing CDM, for what that is worth, and at the time of writing two prosecutions had been brought.

Resources

Managing Construction for Health and Safety — Construction (Design and Management) Regulations 1994 — Approved Code of Practice £7.95 HSE Books 01787 881165. Free leaflets and Construction Information Sheets also available from HSE local area offices.

National Conference adopts Hazards Campaign Charter

At the annual Hazards Campaign conference, held in Bradford, 12-14 April 1996, about 500 delegates including trade union health and safety representatives from a wide range of manufacturing and service industries adopted a Charter of demands to the next government.

Key demands include: the right to recognition for union safety representatives irrespective of the existence of employer recognition of a trade union; increased resources for enforcement authorities; mandatory penalties for failing to undertake risk assessments; stricter enforcement policy with prison sentences for negligent employers; and a ban on

lindane, PCP, TBTO, organophosphates and other substances where no safe practical exposure limit can be achieved.

Hazards Campaign representatives have already been involved in discussions with Ian McCartney, Labour's front-bench spokesperson on employment. With a General Election in the offing and the strong possibility of a Labour government being elected, the country's health and safety campaigners are hoping to recoup ground lost in seventeen years of privatisation, deregulation and anti-trade union legislation by Conservative government.

Workers' Memorial Day

Trade unions across the world commemorated Workers Memorial Day on 28 April in remembrance of the 200,000 people killed at work every year. Trade unionists representing China and Thailand, two countries where

the worst industrial disasters have occurred in recent years, lit a giant candle at the United Nations. In the UK, the occasion was marked by tree-planting ceremonies, church services and health and safety information campaigns.



Peter Wroebel, President of Waltham Forest Trade Union Council, planting a tree in memory of people who have been killed at work in the area.

Summer here at last?

Hopefully, by the time you get this newsletter, the Summer will have finally begun. So, this is to remind you of a couple of factsheets we have published in previous editions of the Daily Hazard: Hot Working Conditions (March 1991) and Air, Light and Temperature (June 1995). Contact the Centre if you would like a copy. Below is a full list of the factsheets we have available.

Air, Light and Temperature

Carbon Monoxide

Chemicals and Reproductive Health

Cockroaches

Contaminated Land

COSHH

Data Sheets

Fire

Formaldehyde

Hot Working Conditions

Inspections

Manufactured Mineral Fibres

Noise and Hearing Loss

Paints

Photocopiers and Laser Printers

Physical Agents and Reproductive Health

Provision and Use of Work Equipment Regulations

Safety Repts Rights

VDU Work and Reproductive Health

Violence

Wood Based Boards

Workplace Health Safety and Welfare Regulations

Congratulations Shonagh

Congratulations to our colleague Shonagh Methven who had a baby boy, Archie, at the end of April, just three days after her leaving party! While Shonagh is off on maternity leave, we are glad to have working with us Hilary Tivey, National Health and Safety Officer for MSF until recently.

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