

THE DAILY HAZARD

Ladbroke Grove disaster highlights poor safety systems

Provisional figures from the Health and Safety Executive show that there were 120 train collisions in 1998-99, a figure that has been more or less constant for five years. There were also 643 instances of signals passed at danger (SPADs), a little down but no real improvement on previous years. The Ladbroke Grove disaster was a statistically normal outcome of such a safety record.

Long hours

Most media accounts attribute the cause of collisions and SPADs to driver error, corner-cutting management, low investment in safety technology and/or weak regulation. The public believes that the privatisation of the railways is a fundamental cause. But drivers' health and safety representatives point out that there is another factor: the long hours and shift patterns, resulting in fatigue, imposed on drivers in the drive to maximise the companies' profits (see also *Daily Hazard 58*).

Poor risk assessment

This view also seems to be shared by the Health and Safety Executive. At a meeting attended by an LHC representative, Railways Inspectorate officials explained that they were putting pressure on South West Trains to revise their risk assessment of drivers' jobs to take fatigue into account. The present risk assessment barely mentions the subject and there is no evaluation of the effects of the more intensive duty rosters the company has introduced. Yet a survey by an RMT representative at Waterloo shows that fatigue and stress are prevalent among drivers.

Better shift systems

The company has agreed to

review its risk assessment before the end of 1999. This has been picked up by union representatives who are asking for:

- the method of measuring driver fatigue to be improved
- factors such as over intensive suburban work to be included in the review
- the body of research quoted and currently used to substantiate the safety of the change in working patterns in the original risk assessment must be more broad based in future.

The representatives point out that the current risk assessment is based on a single piece of research which purports to demonstrate that there is no link between working time and SPADs. But there are other reports which show a relationship between long working hours and the frequency of accidents and incidents.

End the scandal

It is in fact astonishing that the companies can get away with the intensification of hours and shift patterns that they have brought in in recent years. If the airlines tried to do something

similar with air crew, there would be absolute public uproar. Yet there is evidence that exhausted workers are being sent out to do safety critical jobs on the railways in order to push up profits. In the aftermath of Ladbroke Grove, every effort must be made to put an end to this scandal.



Thames train after Ladbroke Grove disaster.

LONDON HAZARDS CENTRE ANNUAL GENERAL MEETING

Wednesday 17th November
Friend's Meeting House, Euston Rd., London

Election of 1999/2000 LHC Management Council and the consideration of the annual accounts and report.

Members can nominate representatives onto the Management Council and LHC particularly welcomes such nominations from Women's Organisations, Ethnic Groups and Disability Groups.

Call LHC for nomination form.

See back page.

FIGHT TO DEFEND OUR ASBESTOS BAN

UK bans asbestos imports as of 24th Nov 1999

But the World Trade Organisation (WTO) may rule that bans are a barrier to free trade and force us to reverse the ban or pay massive sanctions.

Construction Safety Campaign (CSC) Spokesperson Tony O'Brien says, 'act now to defend the UK ban and ensure that unelected and unaccountable trade bodies do not have the power to reverse local or national agreements.'

Support our protest and demand that asbestos producer Canada withdraws its complaint against the French asbestos ban in the WTO.

Canada House
Trafalgar Sq
London

30th November 1999
12 midday to 1.00pm

To contact the CSC e-mail:
construction.safetycampaign@talk21.com

International RSI awareness day

29th February 2000

Next year will see the first annual International RSI Awareness Day. In non-leap years it will be held on February 28th.

Repetitive Strain Injury - RSI - painful injuries to joints and soft tissue caused by fast work rates, poor ergonomic design of workstations, overwork etc. is suffered by millions of workers throughout the world. Unions are campaigning internationally next year to get recognition for these injuries and to stop the damage being done in future.

They are calling for people to hold events at the workplace, in union offices, local government, national government etc, so get organising!

Local residents stop the job

Angry Islington residents have temporarily stopped the re-development of a contaminated site and have won concessions on safety procedures on site. The development is an old railway siding in Finsbury Park, next to a large housing estate owned by a consortium of housing associations.

Although residents were aware of the forthcoming re-development work, members of the Isledon Village Tenants and Residents Association (IVTRA) were angry when work started on the project as they knew final planning permission had not been given.

IVTRA also said that the developers, St Pancras Housing Association (SPHA) and main contractor Alfred McAlpine Partnership Housing Ltd, point blank refused to talk to them to address their concerns.

After getting limited information about the work to be done and with a little help from the London Hazards Centre, IVTRA focused on three main points. Firstly, that the contamination on the site had not been fully investigated therefore no-one knew exactly what sort of problems might lay ahead. Secondly, that hundreds of lorries, full of toxic soil would be driving through their estate where there are a large number of children. Thirdly, that work had started on the site without planning permission for the project being given by Islington Council.

Isabel Facer of IVTRA said: 'There is suitable access to this site elsewhere that would mean dirty lorries full of contaminated soil would not be driving through our estate putting residents and their kids at risk.'

In very general terms, contaminated sites are redeveloped

by investigating thoroughly for contamination, gas etc., then removing a layer of contaminated soil (usually one metre minimum) which is replaced with clean soil when the construction work is completed. IVTRA estimated 30-40 16 ton lorries would have to drive through their estate every day for at least eight weeks to clear the toxic soil.

Members of IVTRA blocked the site entrance and several times they stopped heavy plant and equipment going on to site, demanding that someone listen to their concerns. They protested at a council planning meeting and got the support of their local Councillors and MP Jeremy Corbin. Islington Council insisted that SPHA stop their contractors attempts to get on site.

MP Jeremy Corbin said: 'I admire and support the work of

the residents in trying to ensure that the development is done in a safe manner for all concerned, and I am therefore demanding guarantees on site access be not through the estate, and the safe removal of contaminated soil and the protection of trees. The health and safety of children, residents and workers must come first.'

Work on the site was stopped until the Council was satisfied the extent of contamination has been properly investigated. As a result of IVTRA's action they now attend weekly meetings with the developers and contractors.

IVTRA are still concerned that lorries will drive through their estate. 'If we feel there is anything unsafe about the work being done or lorries come by our homes and kids, then we'll be back there,' said Isabel.

Losing trust in public sector management

Health and Safety Executive (HSE) inspectors issued Crown Improvement Notices to the Public Trust Office (PTO) in June. This followed complaints to HSE by PCS Safety Representatives who said they had tried for more than two years to get their employer to act on hazards and to comply with the basics of the law.

The Union eventually gave up on a management who simply ignored their requests and they wrote to the HSE saying: 'We... write to you in exasperation and with reluctance but we do not know how else we may convince our employer of her shortcomings in meeting basic legal requirements.'

PCS survey

In 1998 PCS reps surveyed PTO staff on health and safety issues, the main response was of staff was that there was too much work to do in cramped and overcrowded conditions, that they were harassed by interruptions and managers who can only criticise.

In the survey 83% said they had too much to do with no-one saying they had too little; 46% reported sometimes feeling

exhausted and 33% said they were often exhausted; 40% reported sometimes feeling overtired and 51% said they were often overtired; 40% reported their GP had said a condition they went to see the doctor about was caused by work.

One worker said: 'Managers pile on more and more work without checking your current work status.' Another responded: 'Work depresses me because I haven't had the proper training to tackle the problems I face.'

Problems at the PTO range from talking to clients who are rude and unreasonable against a background of constantly ringing telephones to working on computer workstations which remain as unsafe now as the day they were put there.

Inspector's report

Following her inspection of the PTO, Emmaline Galilee, HM Inspector of Health and Safety, wrote in a report to PTO Chief Executive Ms J. Lomas concerning overcrowding, tripping hazards, overloaded electrical sockets, high level storage, fire risks, poor procedures for the control of legionella, failing to do risk assessments etc.

Ms Galilee wrote: 'It was of some concern however that visual display units were still being introduced without prior assessment of health and safety risks ... a visual display unit had been placed at a work station but the chair was not adjustable and couldn't be pushed underneath the desk to get closer to the screen. At another workstation the employee was sitting at an unnatural angle in order to use the computer terminal.'

Regarding overcrowding the Inspector said: 'on the day of my visit room 225 was crowded with many desks and files stacked on the floor. There were 19 people working in the room who were working at cramped desk spaces. The atmosphere was very stuffy.... In my opinion room 225 provides for unpleasant working conditions... Steps should be taken to improve working conditions in the room, including the relocation of some staff to another office.'

Improvement notices

Following the inspectors visit two Improvement Notices for Crown Employers were issued because of breaches of health and safety law. The first states:

'you are not successfully managing health and safety in the Public Trust Office, for example, no general assessments of the risks to health and safety of employees have been carried out, there were unsatisfactory visual display units workstations where employees were required to work. In general you do not have in place appropriate arrangements to effectively plan, organise, control, monitor and review the preventative and protective measures required to ensure compliance with statutory health and safety responsibilities.'

The second notice deals with the breach of law in failing to carry out risk assessments in general and failing to identify necessary control measures for the hazards identified. The notices require matters to be rectified by 29th March 2000 and 21st December 1999 respectively.

The union reports initial moves by management to comply with the notices appear to have faltered. They are concerned the Inspector's indication that the dates are not deadlines and that extensions to the time will be considered.

BULLYING AT WORK

Bullying at work is any form of behaviour which is offensive, intimidating, malicious or insulting or is an abuse or misuse of power intended to undermine, humiliate, denigrate or injure individuals or groups.

Bullying leads to stress (see *Daily Hazard 53*) and then to illness and behavioural problems if prolonged. A very high proportion of people subjected to bullying change their job as a result.

Bullying is widespread at work. A survey by UNISON revealed that 66 per cent of the respondents had experienced or witnessed bullying. 34 per cent of those bullied reported that it had gone on for more than three years.

In over 80 per cent of cases, the bully was a manager. In almost all cases senior management knew what was going on but did nothing about it.

Bullying can take many forms:

- direct verbal and physical threats
- unfair use of disciplinary and assessment procedures
- blocking access to promotion, training, overtime, etc.
- setting impossible deadlines and targets
- withholding information essential to do the job properly
- excessively tight supervision
- public humiliation including being shouted at
- persistent and undue criticism including inaccurate accusations about quality of work
- undermining responsibility
- abusive references to age, sex, race, disability or other personal characteristics
- spreading malicious rumours
- physical isolation from other workers.

Bullying is not just an interaction between individuals, there are organisational factors at work which can facilitate it. Among these are:

- an extremely competitive environment
- fear of redundancy, cuts or reorganisation
- little participation in decision making
- poor training
- deskilling
- no clear policies or codes of conduct
- poor procedures for resolving grievances and problems
- indifferent attitude of senior management towards behaviour by front-line managers

Bullying at work is a health and safety, an employment rights and a trade union issue. It causes job insecurity and adverse health effects and often arises out of an imbalance of power in the workplace which a trade union can address.

Safety representatives have a central role in curbing bullying at work by:

- raising awareness and providing education
- supporting members who are being bullied
- negotiating anti-bullying policies with management
- organising union action over bullying

Education and Awareness

Safety representatives can provide education on bullying in a number of ways:

- providing leaflets, feature articles and posters. Many unions now provide these materials for their members
- organising meetings to discuss the topic, perhaps with an invited speaker, and to draw up a union policy
- conducting a survey of the incidence of bullying

Some workers blame themselves for being bullied, developing feelings of guilt and inadequacy about their performance rather than identifying the bully as the cause of the problem. This factor should be taken into account in developing an education programme. Surveys should be strictly confidential and the results should be published. They work best as part of a broader plan of raising the issue with the management. A sample questionnaire is given in the MSF guide (see below).

Many unions now provide courses on bullying to bring representatives up to speed before they raise the issue in the workplace.

Support for Members

Representatives can provide invaluable support for members and other workers:

- providing advice and guidance for people who believe they are being bullied, e.g suggesting that they keep an 'incident diary'
- representing members in any proceedings which take place
- raising the issue with management outside procedures which may be instrumental in getting it resolved
- assisting members to obtain medical and other professional help

Surveys show that victims of bullying have better success in getting a satisfactory outcome by allowing union representatives to handle the matter for them than by trying to tackle it themselves. Many sufferers are reluctant to complain, for obvious reasons, but the chances of dealing with the problem successfully are better if the union is involved.

Anti-Bullying Policies

The Advisory, Conciliation and Arbitration Service (ACAS) has published guidance for managers and employers on bullying. This can form the minimum standard for an anti-bullying policy which representatives can negotiate with their employer. ACAS advises that a policy should include:

- a statement of commitment against bullying
- acknowledgement that it is a problem for the organisation
- a statement that it will not be tolerated and may be treated as a disciplinary offence
- examples of unacceptable behaviour
- steps to be taken to prevent bullying
- responsibilities of supervisors and managers
- confidentiality of complaints
- reference to investigative, grievance and disciplinary procedures with timetables for action
- protection of complainants from victimisation
- provision of counselling
- training for managers
- how the policy is to be implemented, reviewed and monitored

Representatives can build on this by adding the provision of information to employees, the extent of union involvement in procedures and ensuring that the timetable for procedures reflects the interests of victims rather than bullies. The union should get involved in negotiation or consultation on an anti-bullying policy before the employer acts on his own volition.

The ACAS guidance will influence the outcome of Employment Tribunal cases where bullying is a factor. Employers with no or an inadequate policy will be in a weaker position than those who follow the guidance.

Organising Union Action

The union should not leave it entirely to the employer to deal with bullying but should retain the ability to take action independently. Pleas to the employer to do the decent thing are

not always sufficient. In organisations where bullying is prevalent, a climate of intimidation can be created which is harmful for everyone. In union parlance, an injury to one is an injury to all.

Representatives should:

- ensure that instances of bullying are brought to the attention of members, if the victim agrees. Publicity can be a powerful deterrent. In the final analysis, if other methods have failed, members can choose to take action to defend a colleague
- inform their fulltime official if there is a likelihood of proceedings or a dispute. A timely intervention from outside the organisation can be effective
- ensure that members are properly advised if they need to draw upon union legal or other services and that any internal union procedures are properly carried out

The Legal Situation

There is no specific legislation on bullying. The Health and Safety at Work Act places a general duty on employers to protect the health, safety and welfare of their employees and the Management of Health and Safety at Work Regulations sets out the means of doing so. Anti-discrimination legislation, the Sex Discrimination, Race Relations, and Disability Discrimination Acts, may apply in some instances. The Criminal Justice and Public Order and the Protection from Harassment Acts may afford protection. The Employment Rights Act deals with the right to claim 'unfair constructive dismissal' in the face of an employer's breach of contract which could include a failure to protect health and safety. However, expert advice should be obtained on all of these measures before any reliance is placed upon them.

Further reading

Harassment at Work: a guide for managers and employers, ACAS, 1999, can be ordered on 01455 852225

Beat bullying at work: a guide for trade union representatives and personnel managers, TUC, £10 for trade unionists, treats bullying from a partnership perspective

Bullying at Work: how to tackle it, MSF, 1995, £10 to non-members

Bullied: UNISON members' experience of bullying at work, UNISON with the Staffordshire University Business School

New Edition of the Hazards Charter now available

The Hazards Charter has been re-written, re-vamped and updated to include changes made at the Hazards Conference held in Bristol earlier this year.

The Charter sets out an agenda for government action to improve working conditions in Britain, including proposals for international actions. Its purpose is a lobbying document which draws the main issues concerning occupational and environmental health and safety together in one place. It is for union reps and safety campaigners to take to their union branches, union conferences, political parties

etc to get them to adopt the relevant issues raised – and campaign for change.

Topics covered include:

Enforcement of the law; safety reps rights (including PINs – provisional improvement notices, and roving reps); homeworking; substances; asbestos; stress; RSI and bullying; compensation; privatisation; workers occupational health and safety services.

Copies of the 3rd edition are available from Hazards Centres around the country as well as via our web site, www.lhc.org.uk where the full text is available to download or print.

Hidden danger:

injuries to children at work in Britain by Catherine O'Donnell and Leroy White

Up to two million 10-16 year olds are in employment of some kind in the UK. One of these children dies every year in the workplace according to official figures and many more are working in unsafe conditions. This timely report suggests that children at work experience widespread injury, the vast majority of it unreported.

The report packs a lot into its 42 pages. It provides an overview of international and national legislation governing the employment of children;

summarises existing international work relating to the health and safety of children in the workplace; identifies problems relating to effective policy making on the issue; reviews existing data on child accidents at work in the UK; analyses the experience of injury among working children; makes policy recommendations and identifies areas for further research.

£7.95 + £1.50 p&p. from Low Pay Unit, 27-29 Amwell St, London EC1R 1UN.

A roaring success

The Centre's Voluntary Sector Training project, funded by the National Lottery Charities Board, has exceeded its target and succeeded in registering over 600 voluntary organisations throughout London. The organisations get up to three days training, and a follow-up year of advice and support, all completely free.

By the end of October, over half of the 99 planned courses had been completed and organisations from Richmond to Redbridge, Hounslow to Hackney were engaged in updating their safety policies, initiating workplace inspection regimes and carrying out risk assessments.

People doing the training report safety improvements in their working practices as a result of doing the course. Most importantly many of the participating organisations are starting to tackle stress at work, the hazard reported by groups as their number one priority.

Groups, aware that the Health and Safety Commission are considering the introduction of legislation to carry out a stress risk assessment, are conducting surveys of their workforce to ascertain the extent of the problem and the likely causes.

The courses are based around the experiences of the participants, and each day includes a practical inspection of hazardous work environments or work practices. Inspection of VDU workstations, using the guidelines contained in the Display Screen Equipment Regulations 1992 feature heavily.

Training courses in inner London Boroughs have largely been completed, with the training coming to an end completely by Easter 2000. The final year of the project, beginning in the summer months of 2000, will see the three workers travelling to visit organisations committed to improving their safety management.



LONDON HAZARDS CENTRE

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Centre worker Mick Holder at the recent, highly successful, European Work Hazards Network Conference in Edinburgh. Congratulations should go to Jim, Ella and all those who organised this event which attracted over 300 union reps, academics and safety campaigners from all over Europe as well as Japan, Australia and USA.

London Hazards Centre receives grant funding from the Bridge House Estate Trust



Registered Charity No: 293677

HEALTH AND SAFETY COURSES

London Hazard Centre courses are for people with some responsibility or interest in workplace or community health and safety. The courses are activity based and provide practical training. The next series of one-day courses will be held in February and March 2000.

● **Thursday 17 February**
Introduction to workplace safety management

● **Thursday 24 February**
VDU hazards and display screen equipment risk assessments

● **Thursday 2 March**
Five steps to workplace risk assessment

● **Thursday 9 March**
Tackling Stress at work

Venue: Interchange Studios, Dalby Street, Kentish Town,

London, NW5 3NQ (full access for people with disabilities).

Time: 10am to 4pm

We design courses customised to your training needs which we can run at Interchange or at your own site. Call us to discuss your training needs.