

# THE DAILY HAZARD

## Safety Reps - act now to improve your rights

The government keeps telling us it loves safety reps. Prescott praised them from the platform at the Labour Party conference. Lord Derry of Irvine, the Lord Chancellor said recently 'let me put on record the high regard which the government has for the work done by safety representatives.'

But... Lord Whitty, the health and safety minister, when asked what the current government position was on two key campaign demands, that of provisional improvement notices (PINs) and roving safety reps (see *Daily Hazards* 63, 60, 59) has recently been less than positive. He said: 'PINs are problematical but we are looking at them, the final decision has not been made yet. There are legal problems so we may not end up with the same system they have in Australia.' He said he saw strong argument for roving safety reps in construction and agriculture but 'the government was not inclined to look at it generally throughout industry.'

This half-hearted approach is reflected in the HSC Discussion Document (details below) on the role of safety reps, now published. Though it contains many of the points in the Hazards Charter there are some worrying omissions and difficult areas that must be addressed:

### Reps and recognition

Currently the Safety Representatives and Safety Committee Regulations (SRSC Regs) only apply where there is a collective bargaining agreement between the union/s and the employer. The much weaker Health and Safety (Consultation with Employees) Regulations 1996 (HSCWER) created Representatives of Employee Safety (RES) who have much less power than safety reps.

Some campaigners have argued for changes that allow safety reps to be recognised by employers and have the full strength of the SRSCR regardless of collective bargaining arrangements. Others have argued that the rights should apply to everyone regardless of collective bargaining agreements with unions or even a union presence

### Stop the job

We still do not have an explicit right in law to refuse dangerous work or to stop work where an unacceptable hazard or risk of injury is identified.

### Reps and enforcement officers

There is no mention of amending the SRSC Regs to give a right to accompany enforcement officers when they inspect a workplace. The Regs currently do not give safety reps the right to information from Fire Officers or to accompany them when they inspect.

### Enforcing consultation

HSE inspectors should take enforcement action when an employer refuses to consult with safety reps. The definition of consultation should be made clearer.

### Regulations vs guidance vs advice

Any proposed improvements should be incorporated into regulations and not just in the weaker guidance or advice.

### Outside experts

The SRSC Regs currently do not allow safety reps a right to bring in outside experts.

### Cover for time off

Safety representatives must be given full cover for their work while performing their functions.

### Facilities

The facilities safety reps should have/be entitled to must be made more explicit in the regulations.

### Investigating accidents

The SRSC Regs give a right to investigate notifiable accidents but employers can and do insist on restricting accident investigation only to such accidents and not, for example, dangerous occurrences.

### Funding for training

Government funding for TUC training of safety reps must be re-instated.

### Shared workplaces

There is no general requirement for safety committees at shared workplaces causing massive problems when, for example, local authorities contract work out.

### The environment

The Hazards Campaign recognises the link between health and safety at work and the damage done to our environment and want to expand reps rights to cover this.

### Employment Tribunals (ETs)

The Discussion Document

suggests that ETs could be used for resolving disputes between safety reps and their employers. A better enforcement regime backed up by PINs would be easier to operate and would resolve disputes quicker.

### Victimisation and sacking

The Discussion Document states several times that safety reps, whistleblowers and workers have protection from victimisation for actions taken on health and safety issues. This is totally untrue as people only have the right to take victimisation and unfair dismissal cases to ETs which cannot enforce re-instatement.

Copies of the discussion document, *Employee consultation and involvement in health and safety*, ref. DDE12, are available free from HSE Books. Tel: 01787 881165. Fax: 01787 313995. It can also be downloaded from the HSE website: <http://www.open.gov.uk/hse/disdocs/dde12.htm>

Comments on HSC's consultation on employee involvement should be sent by 17 March 2000, to: John Holland, HSE Policy Unit, 8th Floor Rose Court, 2 Southwark Bridge, London SE1 9HS. We'd be grateful if you would copy them to us at the Centre.

\* Also see the Hazards Campaign Charter, new edition available to download on the LHC website: <http://www.lhc.org.uk>. Copies also available from local Hazards Centres etc.

## PUBLIC MEETING

### New health and safety rights

A meeting for trade unionists and others interested in the improvement of legal rights for workers and their representatives on health and safety. The implications of the government's discussion document (see main article this page) will be the main topic tonight.

**7.00pm, Wednesday 16th February 2000**  
**Conway Hall, Red Lion Square, London WC1**  
 (nearest tube: Holborn)

# Councils penalise sick workers

Staff at Wandsworth and Haringey Council have taken strike action to protest at both Councils proposals to penalise sick workers.

Wandsworth employees went on strike on 24 November and further action was planned for 26 January and 2 and 3 February. Feelings among staff are running high and the actions have been well supported. The dispute has affected services and recruitment.

Wandsworth TUC Co-ordinator John Perry said: 'Wandsworth council workers have been condemned unfairly as malingerers. It's no wonder that there is a recruitment problem at Wandsworth Council and at a time that there is a flu epidemic shows the lack of logic in the minds of these Bad Boss Tory Councillors'.

Wandsworth Council is threatening to make staff pay the Council back for time taken off as sick leave above a given

threshold. Workers who are off for ten days in three periods in any one year or who take five separate single days leave in a year will have three options if they take any further sick leave: deduct it from annual leave, pay back their wage or work extra hours. The requirement applies to the first three days of each period of sickness absence that occurs after the threshold has been breached.

Wandsworth does not have a problem with high levels of absence as they currently have the fifth best record out of all 33 London boroughs. The GMB has called foul and pointed out that some Councillors have very poor attendance records at Council meetings.

Haringey, run by New Labour, were hard on the heels of the old conservative flagship of Wandsworth in attacking staff sick leave rights. Unions are concerned that this could end in a contest to see which party is seen to be tougher in the public eye.

Haringey Council threatened to sack and re-engage all staff on new terms and conditions, including no sick pay for the first two days off sick. But after strikes in December and the threat of further action in January, the Council backtracked. It withdrew its sick pay threat and promised not to interfere with nationally negotiated terms and conditions.

Glyn Rowlands, assistant Unison branch secretary said the union are pressing for a review of sickness monitoring procedures. 'We want the Council to address the real issues and stop blaming workers for getting ill,' he said.

The link between work and ill health is well documented but seldom recognised. Stress levels in the public sector are running at an all time high with it being the biggest concern of most workers.

Dr Neil Rousseau from the Brocklebank Health Centre in

Wandsworth, described Wandsworth Council's proposals as 'extremely unwise from a health point of view'. He added that: 'The scheme would penalise people with chronic relapsing illnesses like multiple sclerosis and rheumatoid arthritis, who could be in remission, able to work for years, but then suddenly have a relapse and could have several periods of sick leave over a year.'

These important disputes are being followed closely by Council workers and other local authorities. If Wandsworth and Haringey Councils get their way, other Councils can be expected to follow their example.

## Further reading:

*Control or management? Guidelines on sickness absence policies for UNISON branches, stewards and safety representatives*, 1998. Free to UNISON members and other trade unionists. Tel: 020 7388 2366 or fax on 020 7551 1461.

# There's no business like show business

Workers and actors in theatres around the UK are safer in their jobs because of the work that Pat Styles, a Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU) safety representative, has done on chemical safety in theatres.

While investigating the chemicals used at the leading London theatre where he works, Pat discovered that Control of Substances Hazardous to Health (COSHH) assessments were severely lacking in content. Management at the theatre

responded to his inquiries with empty assurances. Pat had investigated stage smoke, breathed by backstage workers and actors for minutes at a time, and discovered that the chemicals used in its production, had question marks in their hazards data.

Management at the theatre was simply asserting that the chemical had been used, without causing health damage, for more than fifteen years. Pat obtained the manufacturer's data sheets and his suspicions

were aroused when he read that the chemical was considered to be safe when 'used normally'. He wanted to know what was 'normal use'.

He went first to BECTU who referred him to the London Hazards Centre. During his research he discovered that many chemicals containing ethyl and methyl glycol had not been tested to find out what their effects on the human reproductive system were. He noted that some leading toxicologists accumulating data

had indicated that such substances had a detrimental effect on human reproduction.

After discussions on the disputed chemical it was withdrawn from use. Although this was a successful negotiation there are still many other substances on the table for investigation.

Pat said: 'I was worried when I realised that the theatre hadn't thoroughly completed the COSHH assessments and even more concerned when management seemed complacent with that situation. We will continue to be vigilant about the chemicals we use.'

'My investigation has had positive results and made management and myself realise that that its not only chemical safety that has been taken for granted. I have passed the information on to other BECTU reps and the chemical that contained triethylene glycol and trichloroethane that we used to make stage smoke has been replaced by a less hazardous substance up and down the country.'

Nearly 300 protestors from around the country joined the Construction Safety Campaign protest outside Canada House, London on November 30th, the day of action against the World Trade Organisation (WTO). The Canadian government is using the WTO to challenge France's ban on asbestos imports. If they win then our UK ban, which only came into effect in November last year, would be under threat.



# LONE WORKING

**Lone working may be defined as any work activity which is intended to be carried out in isolation from other workers by an individual or a small team of people. The work activity should normally last for some time.**

## Types of lone working

Lone working can take place when people:

- work as individuals at a fixed site, e.g. in a shop or petrol station
- are separate from others, e.g. in warehouses or automated plants
- work away from their base or at remote locations, e.g. construction workers, maintenance, repair and cleaning workers
- work at home
- work outside normal hours, e.g. cleaners or security staff
- travel as part of their work, e.g. sales staff or delivery workers
- provide services to the public, e.g. social workers, home helps, community nurses

Many lone workers will come into more than one of these categories.

## Hazards

Hazards which lone workers can encounter are:

- accidents or emergencies arising out of the work including inadequate provision of first aid
- sudden illnesses
- inadequate provision of rest, hygiene and welfare facilities
- violence from members of the public

## Legal duties of employers

For most circumstances, there are no specific legal duties on employers in relation to lone working. However, employers are under a general duty under Section 2 of the Health and Safety at Work Act to maintain safe working arrangements and under Regulation 3 of the Management of Health and Safety at Work Regulations to carry out a risk assessment of the hazards to which their employees are exposed. Where there are more than five employees, the risk assessment must be kept as a permanent record.

Employers are under a duty to provide facilities for first aid [Health and Safety (First Aid) Regulations] and welfare [Workplace (Health, Safety and Welfare) Regulations] and to report accidents suffered by their employees, including assaults, wherever they occur (RIDDOR – Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). Welfare provision on construction sites is

covered by the Construction (Health, Safety and Welfare) Regulations.

There are certain activities where there are specific legal duties: erection of scaffolding, use of unsupported access equipment, demolition on construction sites, diving operations (provision of suitable supervision); young people doing woodworking (supervision plus instruction and training); work with certain chemicals (staffing levels).

## Risk assessment

The key to maximising safety wherever lone work is under consideration is the performance of a satisfactory risk assessment which should address two main features:

- whether the work can be done safely by a single person
- what arrangements are required to ensure the lone worker is at no more risk than employees working together

The risk assessment should prescribe arrangements for systematic monitoring of the hazards of lone working by qualified supervisors/managers.

**a) Staffing levels.** The critical question is whether the job can be done safely by a single person at all. There is scope for disagreement between an employer primarily motivated by cost considerations and employees and their representatives concerned with safety. The employer should demonstrate that a lone worker is not exposed to extra risk compared to a group of employees doing the same job. Where the job involves a significant risk of violence from the public, doubling of staffing levels will almost always substantially improve security.

**b) Remoteness and isolation.** For a lone worker at a remote location, the following factors must be considered:

- how long should the work take and how frequently should the worker report in
- has the worker a safe means of travel to and from the location, especially out of normal hours
- is there access to adequate rest, hygiene, refreshment, welfare and first aid facilities
- can emergency services approach the location without hindrance. Procedures for responding to 'worst-case' emergencies should be in place

**c) Condition of the workplace.**

- Appropriate conditions are:
- there is a safe means of entry and exit to the workplace
  - there is adequate illumination,

heating and ventilation for the job to be carried out

- all equipment, especially powered tools and access equipment such as ladders, can be used safely
- lifting operations can be performed safely by one person
- fire precautions are sufficient for the job

Home visits especially for the provision of personal care can involve exposure to infectious diseases in addition to other hazards and the condition of premises should be assessed by qualified staff before visits commence.

**d) Communications and personal alarms.** Appropriate communications should be maintained with the lone worker especially when continuing supervision is required. The lone worker should be equipped with a means of two-way communication, a pager or a personal alarm. The system should enable the worker to raise an instant alarm or be located accurately if assistance is required. Rooms used for confidential interviews should be equipped with a hidden alarm.

**e) Preventing violence.** In addition to the provision of personal alarms, procedures should be devised to minimise the risk of violence from the public, e.g. elimination of handling cash, constant changes of route when transporting valuables, adequate building security for out of hours working. Consideration should be given to the fact that women working alone are particularly at risk.

**f) Medical suitability.** Two points need to be determined:

- does the job impose any extra demands on the lone worker's physical or mental stamina?
- Does the lone worker suffer from any illness that might increase the risks of the job?

**g) Homeworking.** If the homeworker is an employee, the employer is obliged to carry out a risk assessment of the job and the workplace. This must cover the provision of supervision, education and training and result in sufficient controls to be in place so as to protect the homeworker. The employer should accept liability for accident or injury as for other employees.

**h) Information and training.** Sufficient training and information must be provided to the lone workers to enable him/her to identify hazards and take appropriate action to avoid them. S/he must be entitled to leave the workplace if there is serious and imminent danger.

**i) Permits to work.** These are detailed, written instructions provided by the

employer on the performance of hazardous activities such as entry into confined spaces or electrical testing, etc. They should specify:

- check-in arrangements
- tests of communications equipment
- length of the work period
- suitable first-aid equipment
- equipment, tools and electrical safety checks
- suitable personal protective equipment
- suitable manual handling
- arrangements in bad weather
- exit to safety after job

## Role of safety representatives

Safety representatives should use their rights to influence safe lone working as with other work activities. This could entail:

- consulting/negotiating on the necessity of lone working in the first instance
- ensuring that a proper risk assessment is carried out including the provision of training, information and suitable supervision
- having an input into the details of permits to work
- advising members of safe working practices
- representing any suggestions and complaints from the lone workers to the employer
- making sure that work practices are not introduced unless specified in the risk assessment or permit to work
- checking that all accidents, near misses and dangerous occurrences go into the accident book and are properly investigated
- obtaining support from the trade union if unsafe working practices become established and/or referring these to the enforcement authorities

## Further reading

**Working alone in safety: controlling the risks of solitary work,** Health and Safety Executive, INDG73(rev), single copy free from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 6FS, tel: 01787 881165, fax 01787 313995

**Working alone: guidance for MSF members and safety representatives,** MSF, 1992, available from MSF Head Office, Moreland St., London EC1V 8HA.

See also **Daily Hazard** nos. **35** (violence at work), **42** (safety representatives' rights), and **55** (safety management: employer duties and employee rights).

## WORKERS MEMORIAL DAY April 28th Remember the dead – fight for the living

Events are being planned around the globe to mark those killed, disabled, injured and made unwell by their work. This year the theme of young workers has been adopted internationally by trade unions. Organise events at your workplace to mark this day.

## 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 and only cost £40.00 per person per course.

The next series of one-day course 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*

- **Thursday 11 May**  
*VDU hazards and display screen equipment risk assessments*
- **Thursday 25 May**  
*Introduction to workplace safety management*
- **Thursday 8 June**  
*Tackling stress at work*
- **Thursday 22 June**  
*Five steps to workplace risk assessment*

**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.



Interchange Studios  
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London NW5 3NQ  
Tel: 020 7267 3387  
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www.lhc.org.uk

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



Registered Charity No: 293677

## New book looks at the way forward for safety

The Institute of Employment Rights has recently published a book which gives an overview of occupational health and safety since the Robens Report and the advent of the Health and Safety at Work Act etc. 1974. It gives strong arguments for changes that must be implemented to secure safe

**The Hazards Charter is still available from the Centre but copies are going fast. It is also available to download from our web site at [www.lhc.or.uk](http://www.lhc.or.uk)**

## New book heralds Europe-wide union strain injuries campaign

Throughout the year 2000, the European Trade Union Confederation (ETUC) will co-ordinate a Europe wide strain injuries campaign, the first ever continent-wide union safety campaign.

The ETUC and its health and safety research arm the TUTB have produced a 'toolbox' of resources to support the campaign.

- *Europe under strain: a report of trade union initiatives to combat workplace musculoskeletal disorders.* This excellent 128 page book gives examples of successful campaigns, policies, strain injury assessment and management tools for reducing the risk of injury. Very useful practical resource for reps dealing with strain injury problems which is full of references to many other useful resources.
- *Integrating gender into ergonomic analysis.* Definitive academic analysis of the effects of gender bias which gives guidance on developing prevention strategies which serve women as well as men.

- *TUTB Newsletter.* Special musculoskeletal edition.

*Copies of Europe Under Strain are available at a special offer of £10.00 from Owen Tudor at the TUC on 020 7467 1325 or e-mail [otudor@tuc.org.uk](mailto:otudor@tuc.org.uk)*

### European week 2000 against musculoskeletal disorders, October 2000

Start planning events now to raise the issue at your workplace and encourage your union to get involved.

**Contact:**  
TUTB Web site:  
<http://www.etuc.org.tutb> and  
[www.etuc.org.tutb/uk/projets5.html](http://www.etuc.org.tutb/uk/projets5.html)  
E-mail: [tutb@etuc.org](mailto:tutb@etuc.org)

## International RSI Awareness Day



**International RSI Awareness Day – an event that will be held each year on the last day in February – aims to increase awareness about strain injury risks and encourage the participation by workers employers, unions, health care professional, ergonomists, lawmakers and others in finding solutions to RSIs.**

Further details:  
<http://www.ctdm.org/rsiday> or contact the CTD Resource Network, 2013 Princeton Ct, Los Banos, CA 93635, USA.  
Tel/fax: 00 1 209 827 0801.  
email: [ctdm@ctdm.org](mailto:ctdm@ctdm.org) or International RSI Awareness Day co-ordinator Catherine Fenech on email: [cfenech@arvotek.net](mailto:cfenech@arvotek.net)