



*Health & 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.

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# How Healthy & Safe is Contracting Out?

## **Safety Compromised? A UNISON Survey Report on Health and Safety in the Public and Contracted Out Services**

UNISON's latest survey reveals that private contractors consistently trail behind public authority employers with their record on health and safety.

The "survey shows that when contracts go out, the risk to the worker goes up. Employers in the public sector should consider the health and safety record of contractors before they award contracts, and also ensure that they adhere to strict health and safety requirements during the life of the contract." said Hugh Robertson, Head of Health and Safety at UNISON. "We hope that the Health and Safety Executive [(HSE)] will follow up our survey with further research into the effects of contractorisation on the safety of workers, and greater enforcement of the existing laws against contractors who flaunt them."

A bulletin (HS/21/03) and the full report (also on UNISON's website) will be sent out to all branch safety officers, but the main findings are as follows:

- 96% of public authorities had a joint health and safety committee (JHSC), compared to 21% of contractors.
- JHSCs within the public authority employers met more regularly. 73% of the authorities JHSCs meet between 3-6 times per year, compared to only 48% of the contractors JHSCs. Almost a third (28%) of the contractors JHSCs met only 1-2 times per year, compared to only 5% of the authorities.

- 96% of authorities had union safety reps within their employment, only 22% of contractors did.
- Public authorities were also far better at fulfilling their legal duty to give safety reps paid time-off; 96% compared to 23% of contractors.
- On providing information to safety reps, 93% of authorities met their legal obligation at least some of the time; only 27% of contractors did.
- Contractors performed quite well with 87% having a general health and safety policy, but were still bettered by the public authorities at 98%.
- Only 63% of contractors had carried out a risk assessment; 91% of authorities had done so.
- 95% of authorities displayed their fire procedure and the HSE's health and safety law poster, compared to an average 81% of the contractors. Both fared badly in displaying their insurance liability certificate, but the public authorities were marginally better at 66% compared to 60%.

Following these findings UNISON has issued a number of guidelines with the aim of ensuring that public and contracting bodies are aware of their safety obligations. These can be found in full within the survey report, but a summary follows.

### **Guidance on Contracting Out**

- A health and safety plan must be developed before the contracting process begins.
- Information sought on potential contractors and subcontractors should include their: safety policy, safety management system, safety record including all incidents reportable under RIDDOR during the previous 12 months, means of consultation with unions on health and safety issues, proposals for training staff and ensuring competency; method for complying with the safety plan, and arrangements for ensuring that subcontractors also meet the above requirements.
- No contract should be awarded to a potential contractor unable to show that they can meet the above requirements, and they have a safety management system in accordance with or beyond HSG65 or BS8800.
- Prior to work commencing the client should ensure that the contractor has produced a working document based on the safety plan, for all those involved; and verify that there are arrangements for all subcontractors to be aware of, and comply with, the safety plan.
- During the life of the contract the client should: seek regular reports on accidents and near misses, review the safety file, obtain copies of the contractors risk and COSHH assessments, and ensure that any hazards not identified in the safety plan are immediately notified to them by all sub-/contractors.

Contracting out should not be at the expense of workers health and safety.

## **Killers - Still Avoiding Justice**

Despite numerous promises for a law to hold accountable employers who kill their workers, this years Queens Speech (setting out the governments work programme for Parliament) made no mention of it.

Nothing new there. The government first promised to crack down on corporate killing in 1997. The delay is costing lives. Employers cut corners and put workers at risk knowing that it is almost impossible to get punished when things go wrong.

New figures for 2002/03 from the Health and Safety Commission (HSC) show that work-related accidents around Britain: killed 226 people, caused 28,426 major (serious) injuries, plus 126,004 injuries causing three or more days absence from normal work. HSC Chair Bill Callaghan has commented: "I am not surprised at these figures - they confirm the size of the occupational health problems... and that progress on reducing injuries has broadly reached a plateau. I am disappointed... we must be more imaginative...".

How about holding organisations and directors more accountable for workers deaths? How many more must die, before the government acts?

- Further information on corporate killing can be found in the lead articles of *Health & Safety Organiser*, Issues 26 and 27 (April and June 2003).

## Hazards 2004

The 15<sup>th</sup> National Hazards Conference will take place in Manchester between 16 - 18 July 2004. It is being organised by The Greater Manchester Hazards Centre on behalf of the National Hazards Campaign. The Hazards Charter is the Campaign's key set of demands on workplace health and safety. The Conference includes: plenaries, information and fringe meetings, and a vast selection of workshops. 600 attended last year with UNISON the most represented union.

Sponsorship is urgently required to keep delegates fees down. Hazards 2004 takes place earlier in the year, so donations must be sent sooner rather than later. Organised on a non-profit basis, it is very good value for money. If you are able to help, complete the sponsorship appeal form (HS/20/03) sent to all branch safety officers or go to: <http://www.gmhazards.org.uk/2004app.doc>

- Further information about the Campaign and Charter can be found at: <http://www.hazardscampaign.org.uk>

## Missing - New Safety Rep Laws

The HSC has decided that a further set of draft regulations to replace those currently covering union safety reps and consultation with employees where no such reps exist, are too bureaucratic and prescriptive. The CBI and TUC have therefore been asked to meet the Health and Safety Executive (HSE) to explore whether a better approach is possible.

Did someone shout "Déjà vu"? Last year *Organiser* reported that the HSC would consult on the matter by the year end. In fact the new draft regulations have been promised just about every month since November 2002, with delays and re-drafts one after the other.

This last draft proposed extensions to safety reps rights which would have vastly increased their effectiveness. These must not be lost or weakened. The government's "revitalising health and safety" targets for 2004 are unlikely to be met, and unless it takes action soon, it will also miss the 2010 targets. It is well documented that safety reps cut accident rates by 50%, so the most effective steps would be to: make safety reps compulsory, increase their role in examining risk assessments, allow them to issue some type of improvement notice, and increase the role and effectiveness of joint safety committees.

- *Revitalising Health and Safety* was covered in the lead article of *Organiser*, Issue 25 (February 2003).

# Insurers Believe it Pays to be Safe

Employers with good health and safety practices could pay less employers' liability insurance, under an initiative launched by the Association of British Insurers (ABI). *Making the Market Work* will ask trade groups to produce health and safety plans for scrutiny by the ABI. Employers will then know what health and safety practices insurers expect, while insurers will be able to reflect good practice in the terms they offer.

This is a welcome move away from industry calls last year to limit the effect of claims against employers, and strengthens the case that good health and safety is good business, but poor health and safety will cost employers.

## Civil Claims for Safety Breaches

The Management of Health and Safety at Work Regulations and the Fire Precautions (Workplace) Regulations have been amended. Since 27 October, employees can now claim compensation in a civil case, where they suffer injury or illness as a result of their employer breaching either law. Employers are now also able to bring a case against employees who breach their duties under the Management Regulations.

The HSC and government believe that there will be few new claims, but that the change will send a powerful signal to employers about the seriousness of the government's intentions to raise further the profile of health and safety. The HSE is monitoring the impact of the change and will publish the findings.

## Mobile Ban

Using a hand-held mobile phone or similar device whilst driving is now a specific offence with a £30 on-the-spot fine or up to £1,000 in court, or £2,500 for drivers of commercial vehicles. Using a phone for work is no excuse. The only exemption for most is 999/112 emergency calls where it is unsafe or impractical to stop driving.

In addition, anyone who "cause[s] or permit[s]" someone else to drive and use a mobile phone or similar device will also be breaking the law. So if your boss has insisted that you use a mobile, etc. he or she could also be liable.

The link between using a mobile when driving and road accidents is well established, not only for hand-held but also for hands-free phones. This is due to a lack of concentration when talking on a phone. Drivers should therefore be discouraged from using a mobile. A proper risk assessment will establish that there is still a risk with hands-free, and will go on to consider preventative measures, such as a policy which requires drivers to park safely before using a mobile or similar device.

A bulletin to all branch safety officers (HS/19/03) and available on UNISON's website gives further negotiating advice. It makes it clear that workers should not be put in a position where they are forced by the pressure or system of work to drive and use a mobile. Employers need to do more than simply repeating the ban. They need to provide their workers with the right equipment and systems of work so that they can do their job, avoid the hazards, and not break the law. Otherwise they may be breaking the law themselves.

# Your NHSC

The NHSC is UNISON's National Health and Safety Committee. Its function is to direct and determine the priority of work for the national Health and Safety Unit. It has reps from each region and national service group, plus three from the National Executive Committee (NEC). The NHSC reports to the NEC and is supported by the Health and Safety Unit. An information sheet on UNISON's health and safety structure and aimed at safety reps on courses, is available from the Unit and UNISON's website.

Your NHSC reps are: **Malcolm Harrington** - Cymru/Wales and NHSC Chair, **Malcolm Gibbs** - Eastern, **Sue Robinson** - East Midlands, **Alun Owen** - Energy, **Katrina Hoogendam** - Greater London, **Roz Norman** - Health, **Penny Gilbey** - Higher Education, **Jim Surgenor** - Local Govt., **Kate Ahrens** - NEC, **Roger Bannister** - NEC, **Maureen Le Marinel** - NEC, **George Patridge** - Northern, **Benny Cassidy** - Northern Ireland, **Nick Green** - N-W, **Chris Hanrahan** - Police, **Sylvia O'Hanlon** - Southern, **Millie Somerville** - Scotland and NHSC Vice Chair, **Mike Adams** - S-E, **Carol McGovern** - S-W, **Ivy Carlier** - Transport, **John Jones** - Water and Environment, **Dave Baldwin** - West Midlands, and **Frances Lee** - Yorkshire & Humberside.

## UNISON Guides

UNISON's guidance on *Hazardous Substances at Work* is now available as an A5 guide from: The Communications Unit, UNISON, 1 Mabledon Place, London, WC1H 9AJ. You must quote "stock no. 2253" Also available is the revised guide, *Administration of Medicine*, covering the issue of non-medical staff who are expected to give medicine. Quote "stock no. 1851".

Three UNISON guides are no longer available as A5 books from the Communications Unit, but are still on UNISON's website. *Dermatitis at Work*, *Needlestick Injuries - a guide for local government safety reps*, and *Repetitive Strain Injury* are also available as information sheets on the web and from the Health and Safety Unit.

## Chemicals in Catering

*Safe use of cleaning chemicals in the hospitality industry* is a new HSE information sheet. Of use to managers, staff, and safety reps; it provides practical advice on avoiding or reducing risks, with real life case studies. It highlights that staff must be given information and training, and consulted with their safety reps, for they may identify problems or solutions that an employer may miss. Free copies, ref. CAIS22 are available from HSE Books on: 01787-881165 or from: <http://www.hse.gov.uk/pubns/caterdex.htm>.

## Study of TETRA

TETRA (Terrestrial Trunked Radio) is a new technology used in digital radio communication systems. A £5 million study of Airwave, one such system used by some emergency services, is being conducted by Imperial College London on behalf of the Home Office. 100,000 police officers will be monitored over 15 years for any impact on health. A more detailed study of 150 will measure their brain functions to check whether the radio signals and headsets have any health effect. Research already undertaken claims that Airwave is safe, but the Home Office hopes that this

additional research will provide further reassurance to users.

- For more information, go to:  
[http://www.homeoffice.gov.uk/n\\_story.asp?item\\_id=486](http://www.homeoffice.gov.uk/n_story.asp?item_id=486)

## Safety Reps CD

Do you have a copy of UNISON's *RiskWise*, interactive CD-ROM. If not, why not take advantage of the huge discount now available? A fun way to identify potential hazards in different work settings, *RiskWise* is particularly useful as a training tool for new safety reps, with useful information and directions to other resources. Order your copy for £2.50 by emailing: [s.stainsby@unison.co.uk](mailto:s.stainsby@unison.co.uk) quoting "ref: ACT 074". Minimum requirements: Windows 95, 98, or NT, or an Apple Macintosh PowerPC; Pentium 100 processor; 32 Mb RAM; Sound Card.

## Have a Safe Christmas!

Xmas and the New Year are not always the safest of times. The Royal Society for the Prevention of Accidents reckon that around 80,000 people will end up in hospital over the 12 days of Xmas. Last year 1,061 were injured by Xmas trees and 201 by their lights. Then there is the danger of falls from heights when putting up decorations at work, or even from the materials used to hang them. 293 injured their eyes with blu-tack ???

With food poisoning from undercooked turkey and choking on a coin in the pudding, the toll mounts up. Finally, there are those that overindulge at the Xmas party. Will any of us see the New Year outside of a hospital bed!!!

On a more serious note, this season can be hazardous so hang decorations safely, get lights inspected by qualified electricians, and ensure that staff are not encouraged to drink and drive.

But most of all, have a great time; with best wishes from UNISON's Health and Safety Unit.

# **Round Up Report**

# **Health & Safety Week**

# **2003**

This special feature covers just some of the many branch, regional, and service group activities which were organised for Health and Safety Week 2003.

## **REGIONS AND SERVICE GROUPS**

**EASTERN** - sent the UNISON information on asbestos to all its safety reps.

**EAST MIDLANDS** - produced a body mapping guide on: work related upper limb disorders, model policies, making a claim, UNISON's poster for the Week; and with a regional survey.

**GREATER LONDON** - with employers and the HSE, organised a branch training day on the Week and UNISON's National Inspection Day, plus a prize for the most interesting branch report on the Week.

**NORTHERN** - took part in a training day organised by a regional health and safety forum of unions, the HSE, and employers.

**NORTHERN IRELAND** - surveyed branches on ideas for activities and then produced a regional branch newsletter with suggestions on how to take part.

**NORTH-WEST** - also surveyed branches and produced a newsletter, plus organised an asbestos workshop.

**SCOTLAND** - developed its health and safety website for the Week.

**SOUTHERN AND SOUTH-EASTERN** - supplied materials for the Week to all branch safety officers.

**WALES** - worked with employers to tackle hazardous substances and the auditing of asbestos, and organised a chemical amnesty.

**WEST MIDLANDS** - produced an Inspection Day campaign planner which focused on asbestos, carcinogenic chemicals, and occupational asthma.

**YORKSHIRE AND HUMBERSIDE** - held an asbestos open day run by the Greater Manchester Hazards Centre.

**WATER AND ENVIRONMENT** - held a weekend seminar for its National Executive Group which included a health and safety quiz with prizes.

## **UNISON BRANCHES**

**BRIGHTON UNIVERSITY** - covered all noticeboards with UNISON's poster and jointly worked with the employer on cleaners and the chemicals they use.

**BURNLEY LG** - arranged: displays at work; informative emails to all staff; safety inspections on the National Inspection Day; and lunchtime seminars on drug, alcohol, and smoking awareness, with a free buffet lunch and raffle.

**CORNWALL DC** - helped a Newquay school safety rep conduct their first safety inspection.

**CREWE AND NANTWICH LG** - sent HSE information packs to all establishments and safety reps for use and noticeboard display. Negotiated for 100 free copies of the HSE's COSHH leaflets for issue to all managers. A "spot the hazard" competition with prize money raised members

awareness. Safety reps were supplied with UNISON's new hazardous substances guide, etc. and were encouraged to carry out surveys or inspections with draft forms and body mapping stickers supplied.

**DERBY CITY** - with the employer organised a one day conference for all safety reps and members with a HSE presentation, and workshops on bullying and harassment, hazard spotting, stress, and COSHH. To encourage partnership working, a safety reps charter and a new constitution for the JHSC were also drafted. Displays with free UNISON literature were set up, and safety reps carried out inspections on the National Inspection Day.

**EAST LINDSEY LG** - with the employer set up a dangerous substances display in the main building, focusing on asbestos. Leaflets on asbestos and the new duty were distributed along with a report on the employers work on this.

**HARINGEY LG** - with the employer developed and piloted new safety inspection guidelines and report forms.

**HILLINGDON LG** - organised activities at the local civic centre, including a stand with HSE and UNISON materials. Conducted a survey of all employees, and got the local press involved.

**KIRKLEES** - held a one day seminar on hazardous substances.

**NOTTINGHAMSHIRE COUNTY** - with the employer produced a safety inspection pack for all safety reps and managers, including an inspection form, guidelines and checklists, a safety inspection year planner, and draft letters and notices.

**OMAGH AND FERMANAGH HEALTH** - with the employer organised a half day staff seminar on dangerous substances and carried out inspections. These recommended better ventilation, and further training for and the appointment of more COSHH assessors. Staff awareness about the Week and the JHSC's work was raised. Information displays with free literature were set up in staff canteens and a competition was organised.

**TOWER HAMLETS LG** - organised a number of activities, including setting up a "hazardous office" exhibition, a "Safety Surgery", and a stall at the employers safety fair. 150 visitors took part in a "Spot the Hazard" competition with a prize of a donated voucher. Many were enlightened about their own workplace hazards. Safety inspections were conducted across the employers buildings on National Inspection Day (some jointly) and with a prize for the most interesting report. The obstructive attitude of some managers towards partnership working on health and safety will be brought up at the next JHSC.

**SALISBURY DC** - safety inspections focused on areas not covered for a while, raising staff and member awareness of the safety reps role. A report of the findings was submitted to management.

**SALISBURY HEALTH** - safety reps conducted widespread inspections.

**SOUTHAMPTON DC** - sent 3,000 members a newsletter including survey with a prize draw to encourage replies. Six new safety reps were also recruited.

**UNITED UTILITIES** - funded safety reps attendance to conferences on hazardous substances, set up hazardous substances intranet pages for members, and produced a staff pack with the employer.

**WOLVERHAMPTON COLLEGE** - focused on hazardous substances, stress, and musculoskeletal disorders. During two days of events, stands at the main campuses: showed HSE videos, displayed the employers safety policies and procedures, and included demonstrations of manual handling techniques including using hoists. The employer and others agreed to sponsor an annual trophy to recognise health or safety initiatives with a cash prize for further initiatives.