



September 2001

Issue 16

Health & Safety Organiser goes out to UNISON's health and safety reps and officers every two months. It contains up to date health and safety information to help branches organise and campaign around safety in the workplace.

Send comments to: *Health & Safety Organiser*, Health and Safety, UNISON, 1 Mabledon Place, London, WC1H 9AJ. Or email: healthandsafety@unison.co.uk

Website: www.unison.org.uk/polres/safety/safety.htm

Yet more Deaths - more action needed!

Success is no Accident, neither are work-related deaths, injuries, and ill-health – says UNISON.

Time and time again UNISON finds itself protesting about more injuries, more deaths, and more illnesses caused at or by work. At the same time, we are also constantly complaining about a lack of resources for the enforcing authorities responsible for health and safety at work, and the resultant reduction in workplace visits and inspections.

WORKPLACE DEATHS UP

Provisional statistics from the Health and Safety Commission (HSC) for the year 2000/01 reveal a dramatic upturn in workplace deaths. 295 deaths compared to 220 in 1999/2000 – a 34% increase. That's almost 6 people every week who die at work. The service sector is especially hard hit with 72 deaths, up from 44 during the previous year.

The HSC says that: "every organisation needs to put health and safety at the head of its agenda." UNISON believes that is about time that the government put health and safety at the top of its agenda. How many more workers must die until a new law on corporate manslaughter is passed so that those responsible are punished? How long before the enforcing authorities (the Health and Safety Executive (HSE) and the local councils) get more inspectors and more resources to do their job.

People at work deserve protection from death, injury, and disease. Employers must drop their ideological objections to the roving safety reps who would cover workplaces without their own safety reps and solve so many problems and protect so many lives. How many times must we repeat the statistic that workplaces with trade union safety reps are

twice as safe as those without?

Deaths and injuries at work are not accidents. They don't happen just by chance. Most of them are preventable by good health and safety practice. Every death and injury is one too many and no amount of compensation can make up for the personal tragedy in each case.

The HSC's Revitalising Health and Safety initiative launched in June last year includes a 44-point action plan which aims to achieve, by 2010, a reduction: of 30% in work-related injury and ill-health absences, of 20% in the number of people suffering from work-related ill-health, and of 10% in the rate of fatal and major injuries. Priority programmes cover specific hazards and sectors where significant improvements are needed, including: falls from heights; slips, trips and falls; muscular-skeletal disorders; workplace transport; stress; and the health service.

More Enforcement against Local Authorities

In 1999/2000 5 employees were killed while working for a local authority and almost 3,000 were seriously injured. Over 18,000 were off work for more than 3 days as a result of an accident at work. These figures are worrying, especially since they represent a 7% increase on the previous year. Over 50% of reported accidents from work activities and involving members of the public were caused by local authority activities.

As a result of concerns raised by UNISON over the health and safety record of local authorities, the HSE has set up a joint forum with the local authority employers and trade unions. The forum will take a number of steps including: developing good practice, guidance, and national targets for reducing accidents; encouraging greater occupational health provision; and supporting trade union safety reps.

HSE enforcement of health and safety breaches will also increase. In 1999/2000, 35 councils were prosecuted – a 50% rise on the previous year. During inspections next year, particular attention will be paid to manual handling, transport in depots, asbestos management, violence, highway maintenance, and refuse collection.

More Enforcement by Local Authorities

UNISON and others have also been expressing concern over the fall in the number of local authority health and safety enforcement officers and the number of inspections that they carry out. As a result, the HSE is to issue revised "Section 18" guidance to local authorities this month.

This mandatory guidance sets out the framework that local authorities must adopt in enforcing health and safety law and will hopefully lead to greater consistency in the level of enforcement.

Local authorities will have to carry out inter-authority audits at least every 5 years, and their service plans will need to include specific reference on how they will contribute to the HSC's strategic plan and targets. Local authorities will be required to report back on the results.

The guidance will also cover: enforcement policy and procedures, priority planning, inspectors competence and training, lead authority partnership schemes, and investigating accidents and complaints.

Branches should ensure that their environmental health department has sufficient resources to implement the guidance, and use it to argue for more staff and more support. The guidance will be available on the HSE's website: <http://www.hse.gov.uk>

Those at the Top are Responsible!

New HSC guidance says that those at the top (directors, board and management committee members) of private, public,

and voluntary organisations need to recognise that while they may delegate health and safety functions; responsibility rests with them. Where an organisation commits a health and safety offence and it is committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, or similar officer, then that individual and the organisation are both liable to be prosecuted and punished.

Directors responsibilities for health and safety explains how boards and committees must now nominate a health and safety director (or similar) to champion issues, but this does not allow them to scapegoat or absolve themselves from individual or collective responsibility for health and safety failures (acts or omissions).

No explicit duties are assigned to the health and safety directors, and boards or committees must still: ensure that risks are properly managed; ensure that the director has the necessary competence, resources and support; regularly review their safety performance; ensure that each members actions and all decisions including purchasing new materials and services, etc. reinforce the organisation's health and safety policy; encourage workers at all levels to become actively involved in health and safety; and keep up to date with any internal health and safety failures.

This clearly emphasises that the health and safety buck stops at the top. But this guidance is not enough. UNISON is demanding new legislation to ensure that those at the top are unable to avoid their responsibilities. Without a legal requirement, the guidance will only be preaching to the converted, for it is only they who will follow it.

In addition, versions of this guide, and better still specific codes are needed for those running health, education, and other public and voluntary bodies because everyone at the top must be clear that they are not exempt. In particular, the complex and confusing school management system introduced by delegated budgets and so on is in danger of producing a situation where no one feels responsible for health and safety, or that those who do, do not have control over the necessary resources.

The new guide is available free for single copies, or in priced packs of 10 from HSE Books. It is also on the web at: <http://www.hse.gov.uk/pubns/indg343.pdf>

£50,000 fine for Boys Death

In June, a judge dismissed the charges of manslaughter against a director and 2 companies over the death of a 12 year old boy. Only a £50,000 fine was imposed on the companies for a lesser offence. Gerard Byrne was killed in June 1999 when a lorry reversed out of one of the companies unaided. This appeared to be a regular practice. In 1992 the HSE had warned the company that a guide was necessary.

The judge said that permitting drivers to reverse unaided was not sufficient evidence to prove that, in law, these failings by the director caused the death. So it seems that directors can create a dangerous set of conditions yet escape simply because the immediate cause of the death was the act of an ordinary worker. Not allowing a jury to decide this case is a serious setback for ensuring that those at the top are held to account for their serious health and safety failures (whether acts or omission).

The acquittal of the companies for manslaughter makes it all the more important that the Government enact an offence of corporate killing. At the moment corporate guilt for manslaughter is entirely dependent on whether an individual director or senior manager is guilty of manslaughter. This means that an organisation with serious management failings can escape manslaughter conviction simply because it is not possible to convict an individual for the offence. In October 1997, the Labour Government promised to enact a new offence of corporate killing – yet although a manifesto commitment, it was left out of this years Queen's speech.

The fine of £50,000 makes the boys life very cheap for two companies which have a yearly turnover of over £10 million. If fines are to have any affect, they must take into account factors like the turnover and profitability of companies.

Conference on Accountability

The Centre for Corporate Accountability (CCA) and the TUC is holding a major conference which will look at how the

HSE and local authorities enforce the law and how the law can hold organisations and senior officers accountable for their failures.

The conference will take place on Wednesday 21 November at the TUC, in London. It is priced £25 (£5 for the unwaged). For further information and an application form, contact: Sugar Munthali at the CCA on: 020 7490 4494, or email: admin@corporateaccountability.org

Violence at Work also increasing

Workers in England and Wales experienced 1.3 million violent incidents in 1999 according to *Violence at Work: New Findings from the 2000 British Crime Survey* (BCS). This represents a 5% increase on 1997/99. It also found that only 18% of workers have received formal training in their current job about how to deal with violent or threatening behaviour. 10% received informal advice. 72% received neither. Even amongst high-risk groups the level of training provision generally did not exceed 50%.

Those at higher risk, such as nurses and care workers, were most concerned about being threatened and attacked. Whilst the estimated risk of a worker being assaulted is relatively low (BCS estimates that 2.5% of working adults had been the victim of a violent incident during 1999), any amount of violence towards people trying to do a day's work is absolutely unacceptable. The HSC's Revitalising targets aim to reduce work-related violence by 10%.

A summary and a link to the full report can both be found at: <http://www.hse.gov.uk/hthdir/noframes/violence.htm>

The HSE's general guidance *Violence at Work, A Guide for Employers*, INDG69 (rev), is available free from HSE Books. Priced sector-specific guidance is also available for the health services and education.

UNISON's *Violence at Work* guide (stock no. 1346) is available from UNISON's Communications Unit and will shortly be revised.

NHS Violence to be Tackled

65,000 assaults on NHS staff are reported each year. UNISON's survey of health workers last year found that nearly half the nurses interviewed had been attacked during the previous 12 months. One nurse at a drugs and alcohol rehabilitation unit was attacked by a client. He was only fined £50. What message does that send out to the attacker, the victim, and other potential attackers?

However, violent or abusive patients could soon be banned from hospitals for a year under a proposed "zero tolerance" policy, to be published this autumn. A football style yellow card will be issued to patients who commit: a violent act, make an offensive or sexual gesture, or use threatening or abusive language. A red card for a second offence could see them denied treatment unless suffering from either severe mental health problems or a life-threatening condition.

No one should have to fear the risk of violence while going about their everyday work. UNISON welcomes these government proposals and its commitment to tougher penalties for those guilty of violent assaults. Further information is available on the web at: <http://www.nhs.uk/zerotolerance/index.htm>

All Stressed Up

The HSE reports that workers are under more pressure than ever but their bosses often have no idea how much stress they are suffering. 1 in 5 people say their work is "very" or "extremely" stressful. The most stressed include those in: social work, nursing, and road transport. There are 6.5 million sick days per year due to workplace stress and 500,000 people are suffering from work-related stress or depression. Work-related stress is the second most common type of occupational ill-health.

The HSE recognises that whilst “there is considerable pressure in the modern competitive workplace... there is a difference between the buzz people get from doing a busy job and staff simply being unable to cope with the strains placed upon them. A burnt-out workforce is an unproductive workforce.” It also recognises that managers have a key role to play in reducing stress and so has recently produced a new guide for them with advice on what they should do.

But in producing this guide, the HSC (which oversees the HSE) has ignored the overwhelming result of formal consultation on stress. 98% wanted more done to tackle stress; 94% thought that stress was a health, safety, and welfare issue; and 78% believed that an Approved Code of Practice (ACoP) or stronger action would be worthwhile for protecting workers.

History shows that most employers only act on health and safety hazards when forced to by law. You only have to look at the issues of noise, PC's, and manual handling in the past. But it gets worse.

The new HSE leaflet *Tackling Work-related Stress – A Guide for Employees* does nothing to help employees identify or remove the causes of stress, but instead encourages them to consider changing jobs. Produced to compliment the managers guide, it puts much of the responsibility for dealing with stress on individual workers rather than employers. It recommends watching your caffeine intake and learning relaxation techniques. It should have concentrated on how to remove the workplace causes of stress.

UNISON campaigned for the leaflet to be changed prior to publication, and is now lobbying for its withdrawal pending its re-drafting. All UNISON Branches have been written to and asked to ensure that employers do not distribute the leaflet to their workers, and UNISON has asked employers to throw it away.

UNISON's guide for safety reps, *Stress at Work* (stock no. 1725) is available from UNISON's Communications Unit.

Gender and Health and Safety

Women's issues are generally absent when health and safety is considered. Priorities are defined in male-dominated sectors and occupations, with the male body in mind. The failure to take account of women's health issues can have serious consequences and can hinder attempts to deliver good occupational health practice.

The TUTB (Trade Union Technical Bureau for Health and Safety) and the ETUC (European TUC) are conducting an EU wide survey to investigate this area further. You can help by completing a copy of the questionnaire. Download it from the web at: <http://www.etuc.org/tutb/uk/survey.html> or contact Laurent Vogel. Tel: 0049 322 224 0560, or email: lvogel@etuc.org The deadline for returns is the 25 September 2001.

Workers Memorial Day, 28 April 2002

Next years international theme is “Improving public health through stronger health and safety.” The TUC is planning to highlight issues around occupational health, including access to occupational health services, and rehabilitation. Since this is a day for activists, the TUC wants to hear your ideas on how to translate the international theme into British activity? Email them to: otudor@tuc.org.uk

The International Labour Organisation (ILO) is currently negotiating with the United Nations to officially recognise the Day, and has launched a yellow and black ribbon as an official symbol.

Ordering Publications

HSE Books: Post: HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA. Web: <http://www.hsebooks.co.uk> Tel: 01787-881165 Fax: 01787-313995

UNISON's Communications Unit: Post:: UNISON, Communications Unit, 1 Mabledon Place, London, WC1H 9AJ.
Web: <http://www.unison.org.uk>

Health & Safety Week, and UNISON's National Inspection Day

This year the European Health and Safety Week takes place during 15-21 October. The purpose of the Week is to raise the profile of health and safety at work and reduce the horrifying toll of deaths and injuries. Accident prevention is the theme, with the slogan "Success is no Accident".

UNISON participates in the European Health and Safety Week every year, and for the last 2 has been promoting a UNISON National Inspection Day on the Wednesday. The purpose is to encourage safety reps to carry out their legal right to inspect workplaces for health, safety, and welfare problems. Safety reps have the right to carry out at least 4 inspections each year and a new UNISON guide (out during September) explains exactly what their rights are, including the other occasions when an inspection may be carried out. There will also be an accompanying poster to bring the Week and the National Inspection Day to the attention of members and non-members.

If safety reps can be encouraged to carry out even just one extra inspection each year, then hopefully we can improve upon those figures which show that a workplace with trade union safety reps is twice as safe as one without.

If UNISON branches and safety reps take part in the Week and the National Inspection Day, they may experience:

- a safer and healthier workplace as managers and employees become more safety aware;
- improvement in the lives of those who might otherwise have been affected by workplace hazards; and
- promotion of the branch and UNISON as the union which cares, campaigns, organises, and achieves around health and safety.

Things that the branch or safety reps could do include:

- carrying out a workplace inspection;
- carrying out an investigation into a recent accident or near-miss, perhaps jointly with the employer;
- organising safety competitions for staff;
- running health and safety meetings;
- setting up an exhibition at work.; and/or
- agreeing targets with the employer for reducing workplace accidents, with an action plan for achieving them.

If you or your branch has carried out a workplace inspection, which resulted in the employer dealing with a hazard; we'd like to cover it in the next issue of *Health and Safety Organiser*. It doesn't matter how trivial the matter might appear – today's near miss can be tomorrow's catastrophe. And there's no need to write an article. Just drop us a note by post or email. Remember to give a contact telephone number if possible, and don't forget that the details can remain anonymous at your request.

We'd also like to know about what you have done or have planned for Health and Safety Week, past or present.

Below are some of the activities that UNISON branches have carried out in the past.

REPORT SUBMITTED

In conducting workplace inspections, St. Anne's Branch found numerous hazards, including: blocked fire exits, no fire drills, inadequate risk assessments, floors littered with rubbish, and missing fire safety signs. A report and letter to management requested immediate action on the serious health and safety breaches and swift action by management followed.

DON'T SLIP, DON'T TRIP

An inspection of a work area containing machinery found that the floor became very slippery when covered in the smallest amount of sawdust. Despite local exhaust ventilation and guards on the machines, there was still a risk that someone would slip and injure themselves. Carpets had been placed around the base of the workstations, but these slipped on the floor, and created a trip hazard. A letter was sent to the employers safety officer and a solution found – non-slip non-trip carpets.

CASH PRIZES

Grampian Primary Care Trust Branch successfully run a 'spot the hazards' competition for members and non-members, but non-members had to join before they could win any of the cash.

CERTAINLY NOT ALL TALK

United Utilities Branch held a local health and safety forum; two away days; and the branch health and safety officer gave talks on a variety of subjects including confined spaces and customers premises.

ZAP THAT HAZARD!

East and North Hertfordshire NHS Trust Branch had various exhibits during the Week, showed videos, and had a fire service demonstration. A raffle was also held and a “Zap the Hazard” competition in which staff were asked to identify any hazards and suggest ways in which the risk could be eliminated or controlled. Prizes, jointly funded by the branch and the employer, included a portable TV.

JOINT INSPECTIONS

Omagh and Fermanagh Branch conducted joint workplace inspections with the employer and identified numerous hazards. Senior management were appraised of the findings at the Joint Health and Safety Committee. An information display was set up which proved a useful recruiting tool, with a free prize draw for members.

BRANCH NEWSLETTER

Kettering Healthcare Branch also carried out joint workplace inspections. A press release was sent out and a letter published in the local paper. Displays were set up in the staff canteen and a quiz organised. A branch newsletter featured an example of effective health and safety in practice.

DON'T GIVE UP

After an inspection Thanet Branch requested immediate attention to: the heating and ventilation systems, a lack of storage space which was causing trip hazards, a lack of rest area facilities, and a poor level of cleanliness. It was described as “the beginning of a very long and sometimes frustrating journey through managers, committees, and funding problems.”

However, the results were described as endless, and included new: air conditioning, lighting, safety rails, furniture, and storage space; the reduction of trip hazards; and a general review of the work area. It took a lot of work by the branch, but their advice is “don't give up”.

- For a free copy of the HSE's Health and Safety Week Action Pack, tel: 0845 7181819. There is also a special European website at: <http://osha.eu.int/ew2001/>