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UNISON

health and safety
representatives

GUIDE



UNISON



UNISON health and safety representatives guide

Preface

So you are now a UNISON safety representative?

What now?

Well you can relax. This easy to read booklet will guide you through your rights and duties, give you some basic information on Health and Safety and point you to some other sources of information and support.

We hope that you enjoy being a safety representative for UNISON, which is not only the UK's largest trade union, it is also the one with the best record on health and safety issues.

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Introduction

UNISON believes that everyone should be able to go to work without having their health damaged or made worse.

Yet every year around two and a half million people are made ill because of work.

This is a huge number. Around half of these people are in pain because of injuries such as back pain, neck pain and RSI. A further half a million people have to take time off work because of stress.

Yet work does not make people ill. Bad working practices and poor safety are the cause. Almost all work-related illness is avoidable, most of it through forward planning and good safety practices.

UNISON takes health and safety very seriously which is why we aim to have at least one UNISON safety representative to cover every workplace where we have members.

The position of safety representative is one of the most important positions within the union—the other is the steward. In some cases the safety representative and the steward can be the same person, but they have two separate roles.

Safety representatives have specific duties and responsibilities. They also have some very important legal rights.

This booklet will explain your role and give you information and guidance to help you perform your duties.

Why we need safety reps

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It is important that health and safety is not left to management or ‘safety professionals’.

Employers often make decisions on whether to reduce risk based on money rather than the health of the employees.

We know that employers see health and safety being about preventing accidents, while union safety representatives will be concerned about more long term health issues and the well being of our members.

Basically, while both management and union will want to reduce ill health, management’s main aim will be to reduce absenteeism and prevent possible claims for compensation, while a safety representative will want to ensure that their members are able to work in as safe and pleasant an environment as possible.

Safety representatives need access to independent advice and information

Employers often get their information and advice from the suppliers and manufactures of materials or equipment (hardly independent), or safety ‘experts’ who have no detailed knowledge of the particular workplace.

The importance of safety representatives is shown by two key findings.

Firstly, workplaces with trade union recognition have fifty percent fewer accidents than those without.

Secondly, recent research conducted by the Health and Safety Executive showed that trade union representatives were better informed about chemical safety than managers.

Safety representatives help make workplaces safer and provide an invaluable service to both the union and the employer.

The role of the safety representative

As a safety representative you are appointed by UNISON, not the employer. Your UNISON branch will decide what arrangements it will make for appointing safety representatives, but ideally there should be at least one safety representative for each workplace.

Often safety representatives are elected in the same way as stewards, but there are separate people doing the two jobs. In other branches the stewards have a dual role of safety representative and steward.

Either method is fine so long as all members are aware of who their safety representative is and all safety representatives are aware of their duties and responsibilities.

Once a safety representative is appointed, the employer must be notified in writing of that appointment.

The regulations state that a safety representative needs to be employed in the workplace where they carry out their functions and, in most cases, should have at least two years employment with their present, or a similar, employer.

There is no limit on the number of safety representatives. That is a matter for negotiation, but each workplace and group should be covered.

Where other unions are recognised and have a sufficient membership, the branch will wish to consider what arrangements they want to make for joint working.

Branch health and safety officers

As well as workplace safety representatives, each branch will also have a health and safety officer. This is a branch officer who is responsible for health and safety across the branch. They will act as a link between you as a safety

representative and the rest of the branch, co-ordinate the activities of all safety representatives, give information and support, and co-ordinate branch-wide campaigns.

What does a safety representative do?

As a safety representative, you have certain legal rights. The Safety Representatives and Safety Committee Regulations of 1977 spell out in detail what safety representatives' rights are.

Under these Regulations safety representatives have a wide range of rights and functions. These include:

- representations, on behalf of their members, to the employer on any health, safety and welfare matter;
- they can represent their members in consultation with Health and Safety Executive inspectors or other enforcing authorities;
- they have to inspect designated workplace areas at least every three months and also make additional inspections if work practices change;
- they have the right to investigate any potential hazard, complaints by members and the causes of accidents, dangerous occurrences and diseases;
- they have the right to receive facilities and support from the employer to enable them to carry out inspections, to receive legal and technical information from Health and Safety Executive or local authority inspectors, and to receive information from the employer to enable them to carry out their functions;
- they are entitled to receive time off with pay to carry out the job as safety representatives and to undergo either TUC or union-approved training;
- every employer must provide any help and facilities reasonably required by safety representatives to enable them to carry out their functions.

Each of these functions are dealt with in detail in this booklet.

Representing members

You have the right to represent your members on any matter relating to health, safety or welfare. This does not mean only at meetings of a safety committee, but at all times. You also have the right to be consulted in good time with regards to:

- introduction of any measures which might substantially affect the health and safety of your members;
- any health and safety information required to be provided to the employees which you represent;
- the planning and organisation of any health and safety training provided by your employer to the employees which you represent;
- the health and safety consequences of the introduction of new technology;
- the arrangements for appointing or nominating competent people under health and safety legislation.

You have the right to ask for any information you need to fulfil your functions. The law says you shall 'be entitled to inspect and take copies of any document relevant to the workplace or to the employees the safety representatives represent which the employer is required to keep'.

In particular you need information on accidents and 'near misses', information on hazards, including chemicals, safety measures, information on any change to working methods, and details of risk assessments carried out by your employer.

The exceptions to your right to information are if the information is related to an individual, including their specific health records, anything relating to on-going legal

cases, anything that would damage the employer's business, or anything that would break other laws.

Inspections

As a safety representative you have the right to inspect all designated workplace areas that you cover at least every three months and also to make additional inspections if work practices have changed or there is a 'high risk' activity.

The arrangements for routine inspections, such as when they will take place and who will do them, need to be agreed with the employers. There may already be an agreement with your branch on how these matters are dealt with, so please check first.

Following the inspection, you should complete an inspection report recording the time, date and details of the inspection. UNISON can supply copies of outline inspection reports.

Remember that the inspections you carry out only seek to identify hazards and problems. Management still have a responsibility to do risk assessments. These are more detailed and wide ranging, and are covered later on in this booklet.

You also have the right to inspect any document the employer is required to keep by law on matters of health, safety and welfare.

Investigating

In addition to inspecting the workplace you can investigate any problems that arise, without giving notice of inspection, if these problems present an imminent risk. These investigations should take place whenever an accident or serious mishap occurs.

Your employer is required to give reasonable assistance if you are investigating an accident.

When the accident is serious, please notify the branch health and safety officer and regional officer as soon as possible.

Make sure that no evidence is removed or destroyed and ask everyone involved to make a note of what happened while it is still fresh in their mind.

Your branch health and safety officer will be able to give you a report form. List all the factors that might have caused the accident, send a copy to your employer and make sure that any necessary action is taken. Your employer should notify you of the steps they take. The incident should also be reported to the next meeting of the safety committee.

If the incident leads to anyone being off work for more than three days, make sure it is reported to the Health and Safety Executive or local authority. Any accidents or 'near misses' must also be recorded in the accident book.

Time off

You have a legal entitlement to paid time off to carry out your functions or undergo training. If you are denied this right then you should notify your branch health and safety officer or branch secretary immediately.

The law is quite clear. You should be given time off for training, investigating complaints, negotiating with your employer, carrying out inspections, reading relevant papers, meeting enforcement officers and attending safety committees.

The amount of time you will need is dependent on the type of workplace, the number of members you cover and how you fulfil your duties.

Often the branch will have negotiated a time off agreement for safety representatives with management, so check with the branch.

Facilities

You are entitled, by law, to any assistance and facilities you may reasonably require. That includes space for private discussion if necessary.

Your branch will probably have negotiated a facilities agreement with the employer for safety representatives. That may include a separate room or desk, a filing cabinet, access to a telephone, copying facilities and a health and safety notice board.

Training

It is very important that you get training as soon as possible after you take up your appointment. Remember, you are entitled, by law, to time off with pay to get trained by your union on health and safety issues. However, you do have to give your employer reasonable notice and, if requested, a copy of the syllabus.

Some employers will try to get safety representatives to agree to attend employer-organised courses instead of union ones. Whilst some employer-run training can be useful, it is not a substitute for trade union training.

UNISON runs a number of training courses for safety representatives. These range from a one-day introduction, to a full ten-day course run with the TUC which can be followed by the advanced TUC Certificate in Occupational Health & Safety.

In addition there are specialist training courses dealing with issues such as risk assessment, women's health, manual handling, stress and violence, which you might find useful.

If you are already a steward but have now also become a safety representative, you will still need training on health and safety issues to help you carry out the health and safety part of your job effectively.

Negotiating with your employer

You may have to negotiate with management on health and safety issues. For health and safety issues there are three routes that negotiations can take.

- Firstly, issues relating to a single workplace and urgent issues should be raised with the line manager for that workplace.
- Secondly, issues can be raised at the safety committee (see chapter on safety committees)
- Thirdly, issues can be raised through the formal negotiating procedures. You will almost certainly have an agreement which sets out the procedures for negotiating with your employer. You will be able to get details from your branch secretary.

If an issue is being pursued through the negotiating procedures, or is raised at the safety committee, then this will be done as part of a team, which will probably include the branch health and safety officer.

If you are raising an issue with your line manager you may still want to chat to the branch health and safety officer or branch secretary first, as many problems affect all the workplaces covered by the branch, and any solutions which you manage to agree could have implications for other workplaces.

You will certainly get involved in discussions with management following any inspections and if members raise any health and safety issues specific to your workplace. When this happens remember that there is no right or wrong way to negotiate with management, however bear in mind the following points:

- remember to consult and inform the UNISON members affected before discussion with management, during negotiation and before any agreement;
- set clear objectives;
- know your rights;
- listen as well as speak;
- do not personalise issues;
- ensure that the branch is aware of important negotiations. Ask for support if necessary.

Talking to members

Members look to you to tell them what the union is doing on health and safety, to listen to and deal with their problems, and to consult and involve them.

The first step is ensuring that everyone knows that you are the safety representative and how to contact you. Use the UNISON safety representatives' notice board card for this.

Keeping in touch with members is an important and interesting part of a safety representative's job. Most contact with members will be informal—during conversation in work time or at meal breaks, for example. It is important to encourage them to feel free to come to you whenever they have a health and safety worry or an issue they wish to discuss.

You may however be responsible for people whom you have very little social contact with, such as people who work different hours, or work in isolated locations. Please remember to speak to them as well, and visit or phone them regularly.

Members need to know what is happening in the union. Leaflets or pamphlets you receive on health and safety should be distributed among your members or, if this is not possible, pinned up on a notice board.

It is also a good idea to publish your successes, within the workplace and to other safety representatives. Good news stories, even if they seem minor issues, show you are doing a good job and help to build confidence in the union.

Keeping in touch also includes making sure you attend any safety representatives meetings the branch calls so that you can get an idea of what is happening elsewhere. It may be that your management is introducing new practices across a number of workplaces. But unless you have good links with other safety representatives you might not know.

Members will come to you with questions and problems. Most will be to do with health and safety, but people may also want to talk to you about other things. You should always listen but in many cases it may be a good idea to refer the person to the shop steward or a branch officer for advice.

As a safety representative it is important that you are welcoming and accessible to all members. Remember that some people may feel shy or nervous about raising problems, some people may not always recognise that what they see as a personal problem is in fact a trade union issue. This is particularly likely to be the case with instances of stress or bullying.

Male safety reps should also remember that sometimes women members might feel nervous about approaching a male safety rep with issues relating to some women's health matter. It is always useful to make sure that people can have access to the branch women's officer to discuss matters in confidence.

Campaigning

Being a safety representative is more than just carrying out your responsibilities to inspect the workplace and investigate accidents etc. It is also about campaigning to achieve change.

Health and safety is an important area for campaigning. There are health and safety hazards in all kinds of workplaces. It is not just the obvious hazards like machinery or dangerous chemicals that are a problem. There are many hidden hazards and bad working practices that can cause serious injury or ill health. A lot of so-called 'low risk' workplaces still contain serious risks to workers. Remember that far more people are ill as a result of stress, back pain and RSI, than are hurt by chemicals, machinery or fire. You will need to identify clearly what issues you want to campaign on. It has to be an issue which is going to have the support of your members and which is likely to achieve some change.

You could :

- choose an issue identified by UNISON nationally. This means that you will be able to use national materials in support of your campaign;
- choose an issue identified as a priority by the Health and Safety Commission;

- use a new piece of legislation or new guidance from the Health and Safety Commission to campaign around;
- choose an issue, which has already been identified by the branch as a priority health and safety concern.

Whatever issue you choose it is important that your campaign has its roots in the workplace where your members work. You can establish what health and safety issues are of concern to your members by :

- carrying out a survey to identify issues of concern;
- inspecting sickness records and the accident book to see if a pattern of ill health or injury emerges;
- considering the problems you have identified during your workplace inspections.

Recruitment

Recruitment is everyone's job, including safety representatives, especially as health and safety is one of the main reasons that people give for joining and staying in a union.

As a safety representative you have a key role to play in ensuring that everyone is asked to join UNISON.

This is one of the most interesting and important tasks that you will have to do and UNISON's strength, influence and financial well-being depends on the success of people like you.

Safety representatives and stewards should work together to ensure that all potential members join UNISON. This simple checklist will help you.

- Find out who the members and potential members are

- Get hold of, and read, local and national recruitment literature and be knowledgeable on the range of services available from UNISON.
- Emphasise UNISON's record on promoting health and safety.
- Always have a supply of local and national recruitment literature, membership applications forms, and political fund leaflets readily available. Be familiar with subscription rates.
- Obtain notice board space to display UNISON posters, information and the name and location of safety representatives.
- Try to persuade people to join by speaking to them about what UNISON can do for their health, safety and welfare. Encourage other UNISON members to do the same.
- Be prepared to give reasons why a non-member should join UNISON and to answer the question 'what can UNISON do for me?'
- Be friendly and positive to non-members. Don't hector them.
- Stress UNISON is run for and by its members
- Publicise and promote the union's work, campaigns, and achievements, not only on health and safety but in other areas as well.

There is further advice on recruitment in UNISON's stewards handbook.

Safety committees

You will probably already have a safety committee covering your employer – if not you should have one.

The law says that every employer requested in writing by at least two safety representatives must establish a safety committee within three months of the request.

The employer must consult with the safety representative making the request and with representatives of any other recognised trade unions. They must also post a notice prominently, stating the composition of the committee and the work areas that it covers.

The Health and Safety Executive's guidance states that working out the size, shape and terms of reference of a safety committee must depend on discussion and agreement with unions.

The role and objectives of safety committees will depend on the nature of the workplace but usually will include:

- analysing accident and disease trends, safety and accident and inspection reports;
- developing safety rules;
- reviewing safety training;
- advising on safety communications and publicity.

On the membership of committees the Health and Safety Executive's guidance recommends that:

- they should be compact;
- there should be 50/50 management and union representation;
- safety advisors, doctors and other safety professionals should also sit on the committee, although in an advisory capacity.

A senior person with managerial health and safety responsibility should also be present, and be named in the employer's health and safety policy as the person responsible. This person must have sufficient seniority and status to be able to represent the employer fully.

In some branches all safety representatives will sit on the safety committee, in others only some will. Other unions may also be represented. If several unions are represented, they should meet together before safety committee meetings to discuss the agenda.

The effectiveness of safety committees depends on how well they function and whether trade unions can actually negotiate improvements. One of the most frustrating experiences for any safety representative is to be part of a badly organised and ineffective safety committee. Safety representatives should ensure their committees have the power to improve health and safety and are not used by employers just as a way of avoiding taking any action.

However do not always depend on just using the safety committee. Although these committees are important, urgent issues must be dealt with immediately and not wait for a meeting of a safety committee.

The branch may also decide to raise some health and safety issues with the employers through the negotiating machinery such as a joint consultative committee.

Use of enforcement agencies

If your employer is not complying with the law on health and safety by providing a safe workplace, remember that, if all else fails, you can always go to the enforcement agencies. However this should always be seen as a last resort and, unless it is an emergency, should be discussed with the branch Health & Safety Officer first.

UNISON believes that most health & safety issues are negotiating issues between the trade union and the employers, and outside bodies should only be brought in when negotiations have failed and the law is being broken.

Your workplace will be covered by either the Health and Safety Executive inspectorate or the local authority environmental health department inspectorate. They are responsible for enforcing the law on health and safety (fire safety law is enforced by the fire authorities). Contact addresses will be in your local phone book.

If a safety inspector visits your workplace they should contact you and provide you with their report, survey result and information relating to warnings and notices.

The enforcement agencies have three main systems of compulsion available. These are improvement notices, prohibition notices, and fines and imprisonment.

When an inspector serves an improvement notice an employer is required to take action to put things right within a specified time.

If they fail to comply then a prohibition notice may be issued. This means the employer has to stop the activity that gives rise to a risk. Inspectors also can issue immediate prohibition notices to stop an activity if there is an immediate danger to workers or the general public.

If an employer fails to comply with these notices it is an offence which can lead to a fine and/or imprisonment.

Legal protection of safety representatives and members

None of the jobs and functions that have been given to you as a safety representative imposes a duty on you. You cannot be legally penalised if you do not carry them out. However you have a moral responsibility to your fellow work colleagues to fulfil your responsibilities to the best of your ability.

The 1996 Employment Rights Act gives safety representatives protection if they are unfairly treated or placed at a disadvantage because they:

- object to unsafe conditions;
- carry out designated health and safety functions;
- propose to leave, or do leave, their workplace;
- propose to take action against a perceived serious and imminent danger.

This protection is available regardless of length of service, hours of work or age. The right is enforceable through an employment tribunal.

In addition there is a legal right for workers to stop work due to unsafe working conditions, as well as legal protection for employees who take action over, or raise concerns about, health and safety at work.

Under the Employment Rights Act employees who are dismissed, selected for redundancy, or otherwise victimised can take their case to an employment tribunal if the victimisation is due to:

- leaving the workplace, or refusing to return, in the event of serious and imminent danger; or
- taking steps to protect themselves in circumstances of serious and imminent danger.

The dismissal of an employee will be automatically unfair if it is because of either of these actions. The protection is available regardless of length of service, hours of work or age. However there is no right to reinstatement if the worker is sacked and the case is taken to an employment tribunal, although there is likely to be increased compensation if the employer refuses reinstatement.

When things go wrong

Even in the best organised, safest workplace, there is always the possibility that someone will be injured, or made ill as a result of work.

Where this happens members may be able to claim compensation for their injuries from their employer. Generally they will need to show that their injury or illness was caused by work and that their employer should have prevented it.

A major part of UNISON's work is helping members claim compensation. Compensation claims can also bring home to employers that ignoring health and safety issues is not a cost-effective option.

In the event of any of your members becoming ill, or being injured as a result of their work then please ask your branch secretary for a unison legal services form 'PI' to apply for legal assistance.

Once you have completed the form, UNISON's legal section will be able to advise about whether or not to proceed with action.

Health and safety law

The UK has one of the lowest accident rates in the world. In part this is because of the pioneering Health and Safety at Work Act, and the various regulations made under this Act. These regulations have the same status as other laws.

If all the legislation on health and safety was fully enforced, then the United Kingdom would be a very safe place to work. However, many of the health and safety regulations are not known about, or ignored by management.

The following Acts and Regulations are ones you might come across as a health and safety representative. They are

dealt with in more detail in UNISON's guide to the six pack (see end of booklet for details).

Health and Safety at Work Act

The Health and Safety at Work Act (1974) is the main piece of health and safety legislation.

It puts a duty on employers to ensure the safety, health and welfare at work of their employees and to ensure their activities do not endanger others. It also places duties on designers; manufacturers and importers to ensure that equipment and substances are safe when used properly.

The Act also allows the Secretary of State to make regulations on health and safety. This power has been used to introduce most subsequent health and safety legislation.

The six pack

The six pack is a set of six regulations all introduced at the end of 1992 following a European directive. They are:

- **The Display Screen Equipment Regulations**—these cover most VDUs and state that employers must carry out assessments of workstations, meet certain standards and provide breaks, eye tests and training.
- **Management of Health and Safety at Work Regulations**—these say that employers must have health and safety management systems and conduct risk assessments.
- **The Manual Handling Operations Regulations**—these regulations say employers must remove the risk from manual handling by avoiding lifting, pushing, pulling and moving activities wherever possible, automating the process, or reducing the risk through other means. Again it requires a risk assessment to be done by the employer.
- **Personal Protective Equipment at Work Regulations**—

employers must provide suitable personal protective equipment when other safety measures will not remove the risk. Personal protective equipment must be free of charge.

- **Provision and Use of Work Equipment Regulations—** these deal with all equipment. Not just industrial machinery, but also photocopiers, knives, computers etc. They must be suitable, safe and maintained.
- **The Workplace Health, Safety and Welfare Regulations—** these lay down general principles of welfare, including ventilation, temperature, cleanliness, washing facilities and rest rooms.

All these regulations have either an Approved Code of Practice or guidance to back them up. They are dealt with in much greater detail in UNISON's guide to the six pack.

CHIPs

The Chemicals (Hazard Information and Packaging for Supply) Regulations, commonly known as CHIPs, cover the classification and labelling of chemicals. They give safety representatives an entitlement to see safety datasheets on all chemicals where there is a possible hazard, including those used for cleaning.

COSHH

The Control of Substances Hazardous to Health Regulations covers all dangerous substances, not just chemicals. They say that employers must conduct a risk assessment, control the hazard, and give information and training.

RIDDOR

The Reporting of Injuries Diseases and Dangerous Occurrences Regulations (1995) state that employers must report, and keep a record of, certain accidents and incidents.

Risk assessment

One of the most important things you have to know about as a safety representative is risk assessment.

Risk assessment is a simple concept. It is the process of identifying what hazards exist in a workplace and how likely these hazards are to cause harm to workers and others, in order to decide what prevention or control measures are needed.

Every employer must carry out risk assessments on the workplace

The most wide-ranging requirements are included in the Management of Health and Safety at Work Regulations. Regulation 3 places a legal duty on employers to carry out risk assessment as a first step in ensuring a safe and healthy workplace.

In addition, risk assessments are required if there is any manual handling, or use of chemicals within the workplace.

The Health and Safety Executive says of the risk assessment regulations ‘they are comprehensive in coverage of places, activities and other sources of hazard. They require you to assess all the risks in your workplace. That is, what could cause harm to yourself, your employees (if any) and members of the public, and the likelihood that harm will occur in practice. You then need to decide on the precautions you must take to prevent this happening’.

Please remember that risk assessment is the responsibility of the employer. As a safety representative you should be consulted, but it is not a joint exercise. Your job is to make sure that the risk assessments are complete, and that any hazards identified in the risk assessment are addressed urgently.

The Health and Safety Executive has described the basic steps to making risk assessments in a free publication ‘Five Steps to Risk Assessments’.

The five steps can be summarised as follows:

- **Step one**—look for and list the hazards.
- **Step two**—decide who might be harmed and how.
- **Step three**—evaluate the risk arising from the hazards and decide whether existing precautions are adequate or more should be done.
- **Step four**—record the findings.
- **Step five**—review the assessment from time to time and revise it if necessary.

However UNISON believes that this should only be a starting point. In some organisations a more in-depth assessment is needed.

The employer’s main risk assessment duties under the Management of Health and Safety at Work Regulations are:

- make a suitable and sufficient assessment of the risks to the health and safety of their employees and to any others who might be affected;
- identify the preventive and protective measures needed;
- introduce the measures needed to improve workplace health and safety;
- review the assessment if there is reason to believe that it is no longer valid—for example, if the process has changed, the building has been refurbished or an experienced worker has left;

- where there are five or more employees, keep a written record of the findings of the assessment and any groups of employees particularly at risk;
- have arrangements for the effective planning, organisation, control, monitoring, and review of the preventative and protective measures which have been introduced;
- provide any health surveillance identified in the risk assessment
- appoint competent people to assist the employer;
- establish procedures to be followed in the event of serious and imminent danger;
- provide health and safety information, instruction and training for all employees;
- consult with safety representatives.

It is very important that health and safety representatives are aware of the limitations of risk assessments and use their rights to challenge any shortcomings.

Risk assessment is an imprecise affair. Often it involves guesses that are presented as fact. What is an acceptable level of risk to the employers might be far from acceptable to those asked to take the risk.

Some employers may try to rig the assessments to show that there is not a problem and that they don't need to do anything. You will need to challenge the assumptions in writing, using your rights as a safety representative. Ask for details of the criteria used if you think that the results of the assessments are obviously flawed. Challenge in writing any that you do not agree with.

The Approved Code of Practice to the Management Regulations makes it clear that safety representatives should have an important role in examining employers' risk assessments and deciding whether they are suitable and sufficient. UNISON's guide to risk assessment will help you with this.

UNISON has drawn up a checklist(overleaf) for safety representatives to help you assess and monitor your employers' risk assessments and action plans.

Is your employer carrying out risk assessments?

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- Have assessments been carried out?
- If not are arrangements in hand for them to be done?
- Are resources available to carry out risk assessments properly?
- Do risk assessors have the necessary time, resources, training and authority to do proper risk assessments?

Who carries out risk assessments?

- Are they competent (do they have knowledge and understanding of the work involved, of the principles of risk assessments, prevention and control and current health and safety application)?
- What qualifications/experience do they have?
- What information, instruction and training have they been provided with?

- Are outside consultants being used? Are specialists, such as ergonomists, brought in where necessary?
- Have safety representatives been consulted over the appointment of the competent persons?
- How will safety representatives and employees be involved?

Do assessments cover all the hazards and risks at work?

- Do assessments cover all areas, activities, processes, substances, equipment and departments?
- Do assessments cover systems of work, training, supervision and working environment?
- Do assessments cover hazards which you or your members have identified?
- Do assessments look at what actually happens in practice and include non-routine operations such as maintenance?

Do assessments cover all those who could be affected?

- Are those working outside normal hours, visitors and sub-contractors covered?
- Have those particularly at risk (such as lone or young workers) been identified?
- Are specific risk assessments done for pregnant workers?
- Do individual assessments need to be carried out for some workers (for example those working outside the main place of work)?

Are existing preventive measures being used properly?

- Are the control measures followed?
- Do the control measures work?
- Are they monitored?
- Are information, instruction and training provision adequate?

Have measures been identified to prevent or control the risks to health and safety?

- Can hazards be eliminated (for example by not using a hazardous substance if not essential)?
- If not, can hazards be controlled at source (for example by treating slippery steps rather than by using a warning sign)?
- If not, can hazards be isolated (for example by isolating a dusty area)?
- If not, is suitable personal protective equipment provided as a last resort?
- Is health surveillance necessary?
- Have procedures for serious and imminent danger been drawn up?
- Have safety representatives been consulted about the employer's plan to control risks?

Have safety representatives been given copies or access to the risk assessments?

- Do they explain the hazards?
- Do they explain the control measures?
- Do they explain who is at risk?
- Do they contain sufficient detail to allow safety representatives to judge whether they are adequate?

Are control measures being implemented?

- Has a plan of action been drawn up for implementing the control measures identified in the risk assessment?
- Does the plan identify priorities?
- Does the plan set out an agreed timetable for action?
- Does the plan identify who is responsible for taking the action?

- Has money been made available to implement the measures?

Are risk assessments kept up to date?

- Do planned reviews of risk assessment take place at regular intervals?
- Are risk assessments redone before changes, such as new equipment or new ways of working, are introduced into the workplace?
- Are risk assessments reviewed if evidence suggests that control measures are not adequate, for example following accidents, near misses, reports of ill-health, or findings from safety representatives' inspections?
- Are risk assessments reviewed if there are other reasons to suspect they are invalid, for example in the light of new legislation or new medical evidence?

A few workplace issues

Stress

Stress is one of the biggest health issues at work today. Over half a million people will have their physical or mental health damaged as a result of work this year.

UNISON has managed to take a number of successful court cases against employers who have failed to take action to protect members against the effects of stress.

In some cases the damages we have obtained have amounted to hundreds of thousands of pounds. However this is no real compensation for the terrible damage to our members' lives which stress, and the employers' refusal to prevent or reduce it, has had.

Even today many employers will say that stress is good for you and that if people cannot cope with stress then it is their problem.

This is nonsense.

The Health and Safety Executive gives a definition of stress which has been accepted by most organisations, including UNISON. That is 'stress is the reaction people have to excessive demands or pressures, arising when people try to cope with tasks, responsibilities or other types of pressure connected with their job, but find difficulty, strain or worry in doing so.'

Stress can be caused by a number of issues including long hours and shift work, lack of control, lack of job satisfaction, insecurity, fear of violence, bullying, bad relations with other work colleagues, problems with the working environment (such as noise over-crowding and poor facilities), low pay, boredom and isolation.

Stress can cause anxiety, depression, altered appetite,

headaches, backache, difficulty in sleeping, and, over time, heart disease and ulcers.

Just as the ways the body reacts to stress can be harmful if it is prolonged, so too are some of the ways which people use to try to reduce symptoms, in particular the use of alcohol, cigarettes, tranquillisers and other drugs.

The levels of stress experienced will vary from one person to another and stress levels may be difficult to measure. Also people react to stress differently.

As a result employers often portray stress as an individual problem rather than one affecting the whole workplace and will often claim that it is problems outside the workplace that are causing the stress.

Occasionally that may be the case, particularly if members have domestic problems, however they will still need help to ensure that work does not make the situation worse, and that where necessary, they can get the professional assistance they require.

There is no specific law dealing with stress. However the employer does have a duty to ensure safe methods of working.

Under the Management of Health and Safety at Work Regulations the employer must assess the nature and scale of risks to health in the workplace and ensure there are proper control measures in place. This applies just as much to the risks of stress as to other workplace hazards.

In addition the Working Time Regulations place limits on the length of the working week, and also force all employers to give some level of paid holiday. These will help alleviate some of the worst causes of stress – long hours and few rest opportunities.

The Health and Safety Executive has produced guidance on stress at work. This states ‘ill health resulting from stress caused at work has to be treated the same as ill health due to other, physical, causes present in the workplace.’

It also says ‘employers should bear stress in mind when assessing possible health hazards in their workplaces keeping an eye out for developing problems and being prepared to act if harm to health seems likely. In other words, stress should be treated like any other hazard.’

Safety representatives need to negotiate with their employer a stress prevention policy, preferably as part of their employers’ health and safety policy.

An effective policy on stress should:

- recognise that stress is a health and safety issue;
- recognise that stress is about the organisation of work;
- be jointly developed and agreed with UNISON;
- have commitment from the very top levels of management;
- guarantee a ‘blame free’ approach;
- apply to everyone.

The objectives of the policy should be:

- to prevent stress by identifying the causes of workplace stress and eliminating them;
- to recognise and deal with stress-related problems as they arise by educating employees about stress and encouraging participation and co-operative working;
- to rehabilitate employees suffering stress through the provision of independent confidential counselling.

The policy should contain agreed arrangements for joint monitoring and have provision for regular review to assess its effectiveness.

However the key to the implementation of a stress at work policy is risk assessment. Risk assessments can be applied to stress in exactly the same way as to other hazards. Please make sure that all risk assessment documents include the possibility of stress related illnesses likely to arise from working methods or workload.

As a safety representative you will also want to work with the shop steward within your section to ensure that members suffering from stress are represented and supported.

Stress is one of the most dangerous hazards within any workplace. Few people who have not experienced the depression, anxiety and despair, which often accompanies stress, can fully appreciate the effect it can have on people's lives. It can be made worse because very few people are prepared to admit to suffering from stress, or to seek help.

As a safety representative you can help change the climate to encourage more openness about this extremely important issue.

Manual handling

The most common 'accidental' injury at work is manual handling.

One in three accidents are a direct result of manual handling. If you are a safety representative within a residential home, or have nurses among your members, the figure is more likely to be one in two.

Every year three hundred thousand people are forced to endure the agony of back pain as a result of a manual handling incident. Sometimes the damage can lead to a member being incapacitated for weeks, or even for life.

Manual handling injuries do not just happen to people moving heavy loads. Anyone can suffer a back injury if they lift a load wrongly, or the weight shifts, or the lifting is repeated regularly.

One of the most common causes of back injuries for UNISON members is lifting people. This is a major hazard for homecare, healthcare and some residential workers. UNISON believes that no member should ever have to lift a person unaided.

Other UNISON members, such as refuse collection workers, caretaking and portering staff, admin. workers and workers in parks departments, can suffer back injury as a result of repeated lifting of objects.

As a safety representative you can ensure employers do not put members at risk of back injury.

There are strict laws designed to ensure that employers take action to prevent injury as a result of manual handling. Each employer should have a written policy as part of their overall safety policy.

The main law is the Manual Handling Regulations. These are covered in detail in UNISON's guide to the six-pack.

Very simply employers must do the following:

- avoid hazardous manual handling operations as far as is reasonably practical;
- assess any hazardous operations that cannot be avoided;

- remove or reduce the risk of injury using risk assessment as the basis for action;
- give full training to any employee who has to lift or move any load.

As a safety representative your job is to make sure that the employers conduct proper risk assessments and act upon them fully whenever manual handling is involved.

To do this there are several steps :

- talk with members to find out who handles loads, how often, what type, what weight, how far and with what help;
- check that your employer has a suitable policy on manual handling.
- ask who has a back problem and whether they think it was caused, or made worse, by lifting or carrying. You might want to think about a proper survey;
- check the accident book and sickness records. Are there any incidents involving back problems that might have been caused by lifting or handling? Members should also be encouraged to report any injuries or incidents;
- make your own inspection of the workplace and list all work that involves lifting, carrying or moving. Also cover any tasks that take place outside the workplace involving your members;
- notify your employer of any unsafe or unhealthy manual handling work that you have identified;
- make sure that action is taken on every point raised.

Remember to keep your members informed at every stage of the process. Individual members often think they are the

only person suffering from back pain. Many do not even relate it to their work. By sharing information on sickness records and back problems, members can become much more aware of how important manual handling issues are, and make sure that any risks are removed.

RSI/WRULDS

Repetitive Strain Injury is a serious issue for every UNISON branch. It does not only affect typists.

As a safety representative you can help ensure that your employer recognises RSI as a serious disease that must be stopped at an early stage before permanent disability is caused.

Even better you can help prevent illness by ensuring that your employers remove the risk to members.

RSI covers a wide range of injuries to muscles, tendons and nerves. Usually hands, wrists, elbows or shoulders are affected. However knees and feet can also suffer, especially if a job involves a lot of kneeling or operating foot pedals on equipment.

In fact RSI is only one of a set of disorders also called Work Related Upper Limb Disorders, or WRULDS. There are many different names for these injuries including:

- Tenosynovitis
- Carpel tunnel syndrome
- Dupuytrien's contracture
- Epicondylitis
- Bursitis

- Overuse injury
- Repetitive strain injury
- Tennis elbow
- Writers' cramp
- Housemaid's knee

RSI is caused, or made worse, by work demanding awkward or repeated movements, especially if there is a need to apply pressure as well. If these movements are repeated frequently then the hands and wrists may start to feel painful or numb.

Anyone whose work involves awkward posture or grip, badly designed equipment or workstations, repeated movements, physical force, vibration or fast pace work, could be at risk.

Nearly all type of work carries some risk of RSI. It has been linked to manual work including the use of vibrating machinery. But clerical workers can also have problems caused by typewriters, wordprocessors and computer keyboards.

RSI can be prevented if employers try to design jobs so that they fit workers rather than the other way around.

RSI is another case where management has a duty to conduct risk assessments. This means your employer has to work out risk factors associated with each job, and if there is any possibility of repetitive strain injury then that risk should be minimised.

As a safety representative you have two main tasks. The first is to get employers to prevent the risk of RSI through changing work practices, providing suitable breaks, and adapting or replacing equipment such as workstations, keyboards, mice and machinery.

The second task is to support members with any form of RSI. Members should be encouraged to report the symptoms. Many members will try to treat RSI themselves in the early stage, rather than report it, but working through the pain, or using painkillers, will make the problem worse. It may even lead to permanent damage.

Management must be notified immediately if there is any possibility of RSI developing. They must deal with the cause of the problem by taking any necessary action.

The law requires employers to investigate reported health and safety problems and take steps to prevent them.

In many cases simple changes to the way the work is done, such as adapting equipment or varying tasks, will be enough to relieve the problem. However safety reps should avoid individual managers coming up with their own ideas. It is important that any changes are a result of a full and professional survey done by competent people, and involving the workforce itself.

Violence

Violence, and the threat of violence, is a major issue for many UNISON members.

In social services, housing, mental health work, debt collection, meter reading, police support work, and a range of other areas where UNISON is involved, our members are likely to be at risk of assault or threatening behaviour.

Violence is not, and never can be, 'part of the job'. No member should have to endure the threat of assault or abuse by a member of the public, or a client, as a result of their employment.

Every employer must assess the risk of violence in exactly the same way as for any other hazard. In the event of there being a reasonable possibility of violence or abuse occurring, then the employers must take action to remove or minimise that risk.

In the leaflet, 'Violence to Staff', the Health and Safety Executive outline an action plan for tackling violence. That is:

- **Step one**—find out if there is a problem. Ask staff whether they feel threatened or under stress and tell them the results of the survey.
- **Step two**—record all the incidences in order to build up a picture of the problem. Records should include what happened, where, when, who was involved and any possible causes. Employees should be encouraged to report all incidents.
- **Step three**—classify all incidents. Detail the place, time, type of incident, who was involved and the possible causes in order to identify any patterns.
- **Step four**—search for preventative measures. The way jobs are designed can reduce the risk of violence, but measures will vary according to particular workplaces.
- **Step five**—decide what to do. This should involve employees and should balance the risk to employees against possible side effects to the public. An atmosphere suggesting fear of violence can sometimes increase its likelihood.
- **Step six**—put the measures into practice, and include them in the safety policy statement so that staff are aware of them.
- **Step seven**—check the measures work, and if violence is still a problem go back through step two and three to identify other measures.

While these seven steps are a good start, they suggest that any action to prevent violence should wait until a violent or threatening incidence occurs. That is not the case. In addition it is important that safety reps are involved in all stages of the process.

Often management's reaction to violence will be to try to install a 'fortress' mentality. In particular, through the use of shields and grids to protect staff from the public or clients.

There are occasions when these steps are necessary, but experience shows that they often help make aggressive situations worse, and other options, such as increasing staffing levels and looking at service delivery, can also be effective.

It is also very important that safety reps ensure that all incidents of violence are reported, not only in the accident book, but also to the police. In the event of a member being assaulted, and later claiming compensation from the Criminal Injuries Compensation Authority, consideration will only be given to the claim if it was reported to the police.

Getting help

The four concerns dealt with in the previous pages are only some of the many hazards you may have to deal with as a safety representative.

However don't worry, there are plenty of very simple and accessible sources of information which will ensure that you can quickly and easily find any information that you are likely to need in your role as a safety representative.

The most comprehensive, and very readable, guide to health and safety is a three hundred page book called 'Hazards at Work'. This has been produced by the TUC and UNISON, and every UNISON branch has been sent two copies. Your branch health and safety officer should have a copy. This is an invaluable reference book dealing with most workplace hazards including noise, chemicals, dust, machine safety, welfare provision, contractors, and a wide range of other important subjects. If you have access to the world wide web, you can also look at it on the TUC's own website at www.tuc.org.uk

In addition UNISON publishes a number of guides for safety representatives. These are available, through your branch, from the Communications Department at UNISON's national office.

There are also a number of issues where information sheets have been produced for safety reps on important issues. These give details of likely hazards, and negotiating advice on how to deal with it. These information sheets are available from the Health and Safety Unit at head office, and cover issues such as temperature, smoking, mobile phones, and photocopiers.

You can keep up to date with health and safety issues with the free bi-monthly newsletter 'UNISON Health and Safety Organiser'. This is sent free to every safety representative.

To get on the mailing list, just ensure that your branch includes you on UNISON's membership records system as a health and safety representative. It will then be mailed to you direct, along with the activists' newsletter 'UNISON focus'.

If you have any specific problems where you need help or advice your branch health and safety officer or branch secretary may be able to assist.

If they are unable to help you then they may pass on your query to a regional officer or to the Health and Safety unit at our national office.

And do not forget UNISON Direct—UNISON's phone line service specially dedicated to providing an information and advice service for members. It can be contacted on 0800 5 97 97 50 between 6:00am and midnight Monday to Friday and 9:00am to 4:00pm on Saturday.

You are not alone in UNISON. We are here to give you the information and support that you need to do your job. Never be afraid of asking for any help you need.

Your comments

UNISON welcomes comments on this booklet from safety representatives. Please either write to the Health & Safety Unit, UNISON, 1 Mabledon Place, London WC1H 9AJ or e-mail to healthandsafety@unison.co.uk



