

## **UNISON Scotland Health & Safety Committee – March 2010**

### **Health and Safety Update**

This report seeks to update the committee on recent developments in health and safety.

#### **Bill calls for safety duties on directors**

Aberdeen North MP Frank Doran has introduced a Health and Safety (Company Director Liability) Bill in the House of Commons in January. The MP is pressing for a new law to place legally binding, explicit safety duties on company directors to replace the existing voluntary code, which has not been implemented by the majority of business organisations. Further research commissioned by the HSE has shown how important legal regulation is in comparison with the voluntary approach. The MP hopes that his Bill will place a duty on all company directors to take reasonable steps to ensure health and safety in all aspects of a company's activities. The TUC, trade unions, personal injury lawyers, health and safety campaigners and victims' advocates are all calling for explicit legal safety duties on company directors.

#### **Compensation law moves forward in Scotland**

Bill Butler has put forward a Member's Bill aimed at speeding up the process of paying compensation to victims of disease and accidents, including workplace accidents and has received support for 34 MSPs from the Labour, Tory, Liberal Democrat and Green parties, meaning that his Damages (Scotland) Bill can move forward and be considered by Holyrood.

If passed, the changes will remove the need to go to court in some cases where liability has been admitted, allowing victims' relatives to be compensated more quickly. Campaigners welcomed the news believing that protracted legal proceedings often place undue strain on families.

#### **New Violence at Work Guidelines for Local Authority Staff in Scotland**

New guidelines were launched at the Scottish Parliament in February following protracted work by a group led by Linda Shenahan from the Scottish Centre for Health Working Lives, the STUC and COSLA. The Guidelines: "*Managing Occupational Violence and Aggression in the Workplace: Tools and Strategies*" are believed to be the first of their kind in the UK. They will enable local authorities to compare the report's recommendations against their current guidance and hope to encourage the involvement of staff in monitoring and approving procedures and tools to manage abuse.

#### **International Workers' Memorial Day**

UNISON has welcomed the official recognition by the Government of International Workers' Memorial Day following a long campaign. This means that from this year, the UK will join the many other countries around the world that officially recognise 28 April as the International Day of Action for Safety and Health at Work. Formal recognition will reinforce the significance of the Day and raise awareness of the number of people who are killed, disabled, injured or made unwell through their work.

#### **Government Response to Gill Enquiry into Stockline Disaster**

The STUC has welcomed the Department for Work and Pensions response to the inquiry by Lord Gill into the ICL explosion in Glasgow on May 2004 that led to the deaths of 9 workers and over 30 colleagues suffering major injuries. The report accepted that improved and more effective enforcement was needed to address the shortcoming in this particular case which the HSE has already acknowledged fell short of their normal standards.

The DWP also supported the work already underway to replace buried piping which would also significantly reduce the risk of another tragedy although they believed that liquefied petroleum gas was not any more dangerous than any other industrial process provided the risks were assessed

properly and effective health and safety management practices were in place. However, Trade Unions welcomed the report's rejections of Lord Gill's recommendations on introducing an Independent verification Scheme on LPG contractors and independent audits of LPG risk assessments as they felt that employers could seek to blame independent health and safety contractors for their own shortcomings

### **UNISON welcomes European Agreement on Needlestick Injuries**

Following a long campaign, which was instigated by UNISON's Scottish Health and Health & Safety Committees, agreement has been reached by the European Union to help protect all NHS staff from the agony of needle stick injuries and infections.

The Directive implements in law a framework agreement set out in June last year, which included guidance for training, support and prevention of needlestick injuries. It will make the use of safe needles routine across the EU, which will help stop injuries from used and dirty needles. Up to 100,000 UK health workers are injured in this way every year, and it is estimated 1 million injuries occur Europe wide.

### **Pleural Plaques**

The UK Government has announced a series of measures aimed at supporting people who have been exposed to asbestos. This follows a consultation on responding to the Law Lords' ruling of 17 October 2007, which decided pleural plaques did not cause damage that should qualify for compensation. Whilst the failure to reverse the Law Lords' ruling was met with disappointment by personal injury lawyers and unions, other measures were well received, including the creation of an Employers Liability Tracing Office to help people who develop an asbestos-related disease to trace the relevant insurer and obtain compensation.

In Scotland, however, an attempt by a group of Insurers to overturn the Damages (Asbestos-related Conditions)(Scotland) Act which came into force last year, to compensate sufferers of pleural plaques was rejected by the Scottish Courts in January.

### **Work Related Road Accidents**

Road safety campaigners and industry representatives have challenged the government to start official reporting of work related road crashes. Road safety minister Paul Clark told a road safety conference this month: 'Work related driving remains a great concern to all of us involved in road safety because around 75 per cent of all work-related deaths are out on the road.' He added that it was believed that up to a third of all road accidents involve someone who is driving for work which could be up to 800 deaths every year - about 15 a week.

However, he also said that there were currently no plans to extend the at-work incident reporting system RIDDOR to include road death and injury, despite calls by some in the industry for them to be included.

### **Occupational Health Service Performance Standards**

The UK has introduced the first ever OHS performance standards. The voluntary standards, which will hopefully be followed next year by an accreditation scheme, have been developed by the Faculty of Occupational Medicine (FOM) in consultation with a wide group, including trade unions. FOM says the new system aims 'to define the standards and minimum requirements that will apply to occupational health services that participate in the UK voluntary accreditation scheme and to provide occupational health services with a framework for quality assurance.' The standards are organised in six categories: Business probity; information governance; people; facilities and equipment; relationships with purchasers; and relationships with workers. The standards on 'relationships with workers' require that 'an OHS must ensure that workers are treated fairly' and 'an OHS must respect and involve workers'. The Faculty says it will be encouraging all occupational health services - in both the NHS and the private sector - to familiarise themselves with the standards, and to work towards complying with them during 2010.

## **Fit Notes – TUC Guidance**

The TUC has issued guidance for union reps and employers to deal with the new Fit Notes, which come into being from 6 April 2010. The guidance outlines the changes and explains the new process, which will be introduced. Union safety representatives and stewards are urged to ensure that their employers have procedures in place to deal with any issues that arise as a result of the changes to the new medical certificate – fit note. <http://www.tuc.org.uk/extras/fitnote.pdf>

However, the TUC also has warned employers against using the introduction of a new medical statement or 'fit note' to try to force workers back to work before they are ready.

## **Union warns on attacks against social workers and carers**

Concern has been expressed about the levels violence and abuse against social workers and people working in social care, which UNISON claims has reached 'chronic' levels, with attacks and abuse becoming a regular occurrence. It follows the release of British Crime Survey data that shows that violence at work across the UK increased by 50% last year. A growing number of workers who deal with the public have reported that their work has become more threatening as clients get more desperate at this time of high unemployment and recession. Helga Pile, UNISON national officer for social care, believes that being a social worker, or working in social care has now become a high-risk job.

## **'Revolving door' contracts hurt charity workers**

A survey has shown that more than 90 per cent of voluntary sector staff feel their well-being is being undermined due to the financial crisis facing charities. The survey shows that the way contracts are awarded in the voluntary sector - short-term with the emphasis on cost-cutting - is having a detrimental effect on the sector's 750,000 employees and the services they deliver to clients and service users. Staff reported low morale, high levels of stress and anxiety, frustration at the short-term nature of contracts, and experienced colleagues leaving as a result of the pressure as well as reduced and stretched services for vulnerable clients.

## **Overwork stress costs worker his job**

A university worker who had to work 65 hours a week has received £110,000 in compensation after he had to give up work due to stress. The employee was employed as a programme manager at Staffordshire University where he was responsible for organising courses for international students. After the suicide of one colleague and no action to replace members of staff who left, Mr Bannister's workload increased markedly and despite his history of anxiety and depression and complaints about the excessive workload, nothing was done to alleviate the pressure. Stress cases are difficult to prove but here the employee was ignored and felt he had no choice but to work excessive hours and the damage to his health followed.

## **Bullied hospital worker awarded £150,000**

A bullied NHS manager, who suffered a nervous breakdown after being harassed over a three-year period, has been awarded £150,000 in compensation. The employee, a 55-year-old UNISON member from Llanelli, had been employed for 28 years and had worked her way up the ranks from porter to information manager, reporting directly to the chief executive. In 2000 her new boss made sexual innuendos towards her and was regularly aggressive when challenged. Over the next three years her responsibilities were diminished and the harassment caused her to experience stress and panic attacks. She was signed off work and, on one occasion, taken to hospital with a suspected heart attack. Last year, UNISON took the NHS Trust liable to court and they were found liable. Dave Prentis, said that employers need to encourage staff to speak out about bad behaviour, to make sure that bullies are banned from the workplace.'

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March 2010**