

## Health and Safety



No.1 March 2006

### Safety Reps - Key Workplace Officials

This is the first Amicus H&S e-bulletin. Hopefully it will be the first of many. It is designed to be distributed by email, but it can also be printed and distributed to Branches and Regions. It is aimed initially at Amicus workplace reps, and especially safety reps. The key theme of this issue is the retention and recruitment of Amicus safety reps, and the promotion of safety reps rights.

Safety reps are important Branch Officials. They bring with them legal rights in the workplace that help Branches improve health and safety. It is vital that we use these rights to the full as part of our everyday industrial activities.

Nothing matters more than the health and safety of Amicus members.



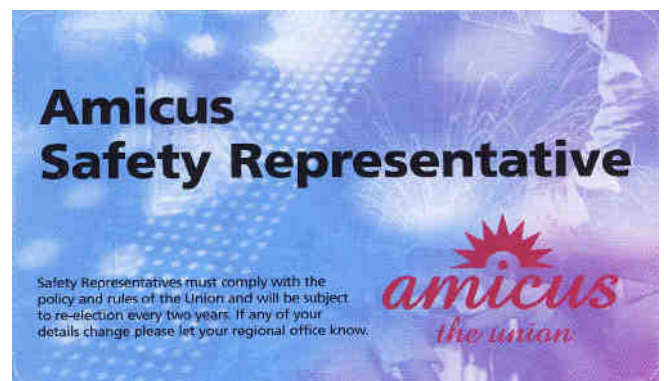
Derek Simpson, Amicus General Secretary says:  
"Health and safety at work is of huge importance to Amicus members.

Providing information to our activists that they can use to improve health and safety is central to the role of Amicus. So is the use of modern techniques to deliver information electronically.

This e-bulletin combines the two, putting Amicus, its activists and members at the forefront of health and safety information."

Any Amicus member can register to receive this H&S e-bulletin, but we especially want to get it to safety representatives.

### Have you got one of these?



If you are an accredited Amicus Safety Representative, you should have a card like this with your name on it.

They are supplied by your Regional Office.

All Branches should tell their Region who their reps are, and Regions will inform Amicus Head Office.

See Page 2 for more details.

# Accrediting Safety Reps

## Safety Reps Rights

Safety reps have specific rights enshrined in law which enable them to

- inspect the workplace regularly to identify potential hazards and causes of accidents;
- investigate employee complaints concerning health and safety issues at work;
- make representations to the employer on matters arising out of health, safety, and welfare affecting employees at work;
- investigate accidents or dangerous occurrences;
- inspect relevant health and safety documents; and
- establish a joint union-management safety committee

## Consultation

Employers are required to consult safety reps, especially about:

- the introduction of any new measures at a workplace that may substantially affect health and safety;
- arrangements for appointing competent persons to assist the company with health and safety and implementing procedures for serious and imminent risk;
- any health and safety information required to be provided to employees;
- the planning and organisation of health and safety training for the workforce, such as induction training; and
- health and safety implication of the introduction of new technology

## Facilities for safety reps

Employers are legally required to provide safety reps with the resources to carry out their role. This might include:

- a room and a desk at the workplace with facilities for storing correspondence;
- ready access to internal and external telephones and, now, to email and the internet;
- access to typing, duplicating and computer facilities;
- provision of a notice board; and
- use of a suitable room for confidential reporting back to individual employees and consulting with members.

Other facilities should include copies of relevant statutes, Regulations, Approved Codes of Practice and HSE guidance, copies of safety journals, and legal and international standards that are relevant to the workplace.

All Branches need to provide details of their safety reps to their Regional Office. As a result all Amicus safety reps should receive an accreditation card. In addition, all Amicus officers are being asked to identify Amicus safety reps at any company they visit.

Is there a safety rep? Is one enough? How many should there be? Have we replaced any safety reps that have left the organisation?

For every Amicus safety rep, to formally establish their legal rights, written notification should be given to the employer stating:

The name of the representative(s)

The group of employees represented

Many Branches may have done this already, but Regions are being reminded that they need to provide that notification at the same time that they issue accreditation cards.

This process will also permit Regions to update their own list of safety reps.

Safety representatives have important legal rights in the workplace - something that is not true of other Amicus officers or workplace representatives. Some details of these are given on the left of this page.

All of the legal rights of safety reps are reproduced in the HSC publication, "Safety representatives and safety committees". This is available on the Amicus website at:

<http://www.amicustheunion.org/pdf/BrownBook.pdf>

For further information see the Amicus H&S website,:

<http://www.amicustheunion.org/default.aspx?page=3149>

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## TUC Safety Rep of the Year Award 2006

Every year the TUC demonstrates and acknowledges the range of work undertaken by lay union reps on behalf of their members and the community. For the third year running, the TUC will be making an award to the trade unionist who represents the best aspects of being a safety rep. The award will be made at the 2006 Congress, which takes place in Brighton from 11-14 September.

If you would like to nominate your Amicus the safety rep download a form ([Word](#), 43KB, or [pdf](#), 35KB) or request one to be emailed or sent to you from [Chris O'Leary](#) in the Amicus Research Department, 020 7780 4006, to whom completed forms should be returned by 9 May 2006. Nominations must be signed by the General Secretary, Derek Simpson, so please do not send your nomination form direct to the TUC.

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## H&S Information

If you want more information on all aspects of health and safety, go to the Amicus H&S web pages at:

<http://www.amicustheunion.org/Default.aspx?page=38>

You will find latest news, H&S resources, sector information and material specifically for safety reps.

# New Noise Regs are coming

**New Noise Regulations will be introduced on 3rd April 2006. They are designed to control noise at source, and reduce noise levels wherever possible. They are not simply a charter to make more workers wear hearing protection.**

The new regulations include tougher legal requirements by lowering the limits of employee noise exposure. They also introduce both health surveillance and a maximum exposure limit.

## The need to reduce noise at work

The hazards from noise are obvious in industries such as heavy engineering, paper manufacturing, printing, quarrying and steel production. But noise is also a hazard to workers in other sectors such as the service industries, the office environment, schools and hospitals, call centres and the entertainment industry.

For years employers have been aware that workplace noise can cause permanent deafness, temporary hearing loss and other ear conditions. Unfortunately thousands of workers are still suffering as a result of exposure to excessive noise in their workplaces. Consequently, hearing loss caused by exposure to noise at work continues to be a significant occupational disease. Recent research estimates that 170,000 workers in the UK suffer from a noise related illness.

Any loss or reduction in hearing can have a devastating affect on the quality of life of the sufferer both in the workplace and at home. Therefore it is important to ensure your employer treats the risk of workplace noise seriously. The Noise at Work Regulations 1989 were introduced to protect workers from the risk of noise. But those Regs have not served us well. Even the HSE accept that the 1989 Regs were not adequately enforced and, in many

instances, did not lead to significantly quieter workplaces. HSE reports show that many employers have failed to meet the legal requirements set out in the old Regs. If the noise in your workplace reaches the specified levels stated in the regulations then your employer must take action to protect workers from hearing damage.

## The main requirements of the new Regulations

The new Noise Regulations specify three action levels of noise. Two of the action levels are values of 'daily personal exposure to noise'. These depend on the noise levels in the working area and how long people are exposed to the noise - the values take account of noise exposure over the whole working day or shift. The other action level is a value of the maximum pressure reached by the sound wave (a single loud noise). This is termed the peak action level and is measured using the pressure unit called the Pascal.

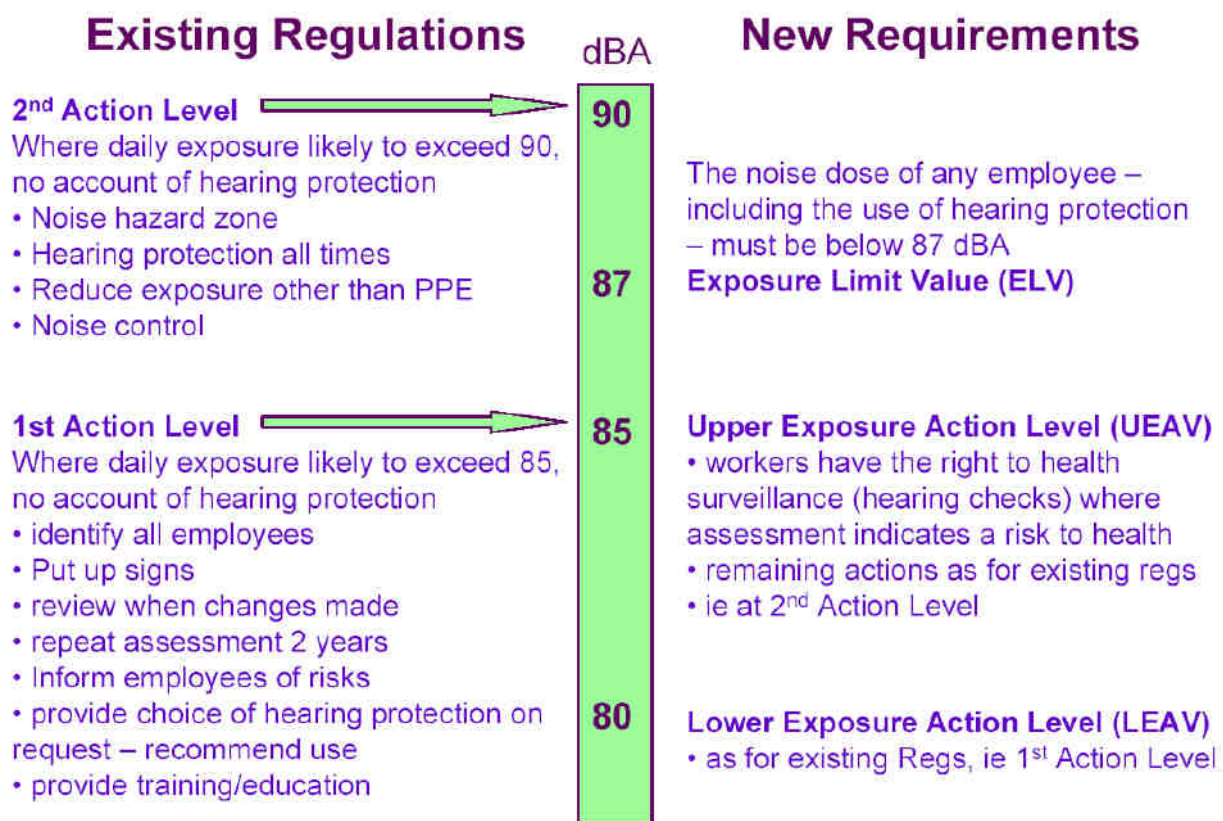
Workplace noise is measured using a decibel scale and is denoted as dB(A) - the 'A' tells us that the sound frequency range should mimic that of the human ear.

As a union representative you don't need to understand the mathematical concept of the decibel (dB) or the Pascal - but you do need to know the noise levels at which your employer must take action to comply with existing and planned new regulations.

The first action level is now 80 dB(A) (it was 85 dB(A)).

The second action level is 85 dB(A) changing from 90 dB(A).

The third action level of 200 Pascal changes to 140 Pascal.



# Workers' Memorial Day

Every year more people are killed at work than in wars. Most don't die of mystery ailments, or in tragic "accidents". They die because an employer decided their safety just wasn't that important a priority.

## Fight for the living

Worker's Memorial Day is held on 28 April every year, all over the world workers and their representatives conduct events, demonstrations, vigils and a whole host of other activities to mark the day. The day is also intended to serve as a rallying cry to "remember the dead, but fight for the living".

This year the slogan for the day is, "Union workplaces, safer workplaces"

## WMD 2005

In 2005, over 25,000 purple forget-me-knots were worn and a record number of events were listed on the TUC website. In Manchester AMICUS held a conference, Preston Trades Council held a rally and balloon release. In London the Construction Safety Campaign with support of South East Region TUC organised a march from Tate Modern to the HQ of the HSE and then onto the Mayor's HQ. In Bradford Safety Reps organised an asbestos meeting.

There were many other workplace and local events, see [www.hazards.org/wmd](http://www.hazards.org/wmd) and [www.tuc.org.uk](http://www.tuc.org.uk) workers memorial day for full listings.

## WMD 2006

Regions and Branches should think about marking the 28<sup>th</sup> April in some way. Every year on 28<sup>th</sup> April we

remember those who have been killed by their work. One of this year's theme is **Prevention and Accountability**.

Workplace deaths are avoidable and poor health and safety is the cause. Amicus has been campaigning for a corporate manslaughter law, to make employers accountable for the health and safety of their employees.

The Amicus Education Department has some ribbons, posters, car stickers and lapel stickers which members and reps can order from Roger Bates, tel 020 8315 8299.

If branches are having large events they can get larger supplies direct from Greater Manchester Hazards Centre, [mail@gmhzards.org.uk](mailto:mail@gmhzards.org.uk),

Tel: 0161 636 7557, Fax: 0161 636 7556.

If you are involved in organising an event or hear about one that is not listed here, please let us know.

## Safety reps

There would be no better way to support the campaign than make sure that workplaces are union organised, and that employers are taking action to make them safer.

The most practical thing that Branches can do is make sure they have appointed a safety rep, and are getting them trained.

If you already have one or more reps, think about appointing others.

## Get organised!

Supporting union organisation and safer workplaces is the best way to fight for the living.

If you did nothing in 2005, make sure you are organised for WMD 2006!



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## No prison for guilty employers

The Government has responded to the Joint Parliamentary Report on Corporate Manslaughter by accepting some of the recommendations, but firmly rejecting any possibility of directors being put in prison when their company is guilty of corporate manslaughter. Home Office minister, Fiona Mactaggart said: 'The committee made a number of recommendations that the government accepts, in particular a reframing of the test for management failure.'

John Denham, the chair of the home affairs select committee, welcomed the move to lower the bar for corporate prosecutions, but said he regretted the decision not to introduce a secondary offence for individual directors or managers complicit in corporate manslaughter. 'The suggestion in the document that corporate manslaughter

finding against a company might be followed by the disqualification of some directors would at least go some way to make sure that they were held accountable as well as companies,' he said. Under existing criminal law, no director of a large or medium-sized UK company has ever been jailed for health and safety offences, despite a series of high profile disasters and hundreds of workplace deaths each year.

Amicus has opposed this decision. General Secretary Derek Simpson says, "We are appalled that the Government is refusing to put guilty bosses in jail. We support the Bill but will keep on fighting for Amicus policy. This now puts massive pressure on the Health and Safety Commission to introduce effective health and safety duties and penalties on Directors and Senior Managers."

### Amicus Health and Safety

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Amicus web site: <http://www.amicustheunion.org>

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