

briefingpages

MAY 2006

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NEW NOISE AT WORK REGULATIONS

In April 2006, new noise regulations came into effect. The Control of Noise at Work Regulations 2005, include tougher legal requirements by lowering the limits of noise that employees can be exposed to. They also introduce both health surveillance and a maximum exposure limit.

Under the new Regulations employers must

- assess the risks to employees from noise at work
- take action to reduce the noise exposure that produces those risks
- provide employees with hearing protection the noise exposure cannot be reduced enough by using other methods
- make sure the legal limits on noise exposure are not exceeded
- provide employees with information instruction and training
- carry out health surveillance where there is a risk to health

The Regulations do not apply to

- members of the public exposed to noise from their non-work activities, or making an informed choice to go to noisy places
- low-level noise which is a nuisance but causes no risk of hearing damage

Changes to noise action levels

The changes to the Noise Regulations in 2006 are:

- The first action level of 85 dB changes to 80 dB(A).
- The second action level of 90 dB(A) changes to 85dB(A).
- The third action level of 200 Pascal changes to 140 Pascal.

The Noise Regulations require that employers take specific action at certain action values. These relate to:

- the levels of noise to which employees are exposed averaged over a working day or week; and
- the maximum noise (peak sound pressure) to which employees are exposed in a working day.

The values are:

- lower exposure action values:
daily or weekly exposure of 80 dB peak sound pressure of 135 dB;
- upper exposure action values:
daily or weekly exposure of 85 dB peak sound pressure of 137 dB.

There are also absolute levels of noise exposure which must not be exceeded:

- exposure limit values
daily or weekly exposure of 87 dB peak sound pressure of 140 dB.

These exposure limit values take account of any reduction in exposure provided by hearing protection.

For more details on the regulations see www.amicustheunion.org/noise/

HSE 'HEIGHT AWARE' CAMPAIGN 2006

As part of the 'Falls from Height Programme Plan for 2005 - 2008, HSE inspectors will run an enforcement led height awareness campaign, which will be publicised on 10th May by Lord Hunt, Minister for Health and Safety, with targeted inspections taking place across Great Britain from 22nd May until the end of June. The campaign aims to raise awareness of what is "working at height", the associated risks and how to select the most appropriate precautions and equipment to carry out the work safely.

Targeted activities include building and plant maintenance in their widest sense - both those who carry out the work and those that manage or procure it, including for example: electricians, mechanical and electrical fitters, painters and decorators, window cleaners etc.

The Initial Enforcement Expectation (IEE) checklist that inspectors will be using as part of the campaign, including the 'risk control indicator' can be downloaded from the Amicus website at www.amicustheunion.org/heightaware/, along with other resources on working at height. Safety reps may wish to use this to provide inspectors with any relevant information they have found from their own inspections before any visit.

Involved in work at height? Your help needed by the HSE

The Health and Safety Executive (HSE) is looking at the impact of the Work at Height Regulations 2005. Part of this project involves gathering information from Trade Unions and Amicus encourages all safety reps and anyone else with experience of working at height to respond. This includes all sorts of work at height from regular construction work to stacking shelves in retail and carrying out maintenance tasks.

The aim of the questionnaire is to gather information about the workers that they represent and the work that they do.

The questionnaire can be downloaded from www.amicustheunion.org/heightsurvey/. Responses should be sent before 26th May.

If you have any questions or require any further information please contact Laura Peebles, System Concepts, 2 Savoy Court, Strand, London WC2R 0EZ

Telephone 020 7240 3388, email Laura@system-concepts.com,
web www.system-concepts.com/

Health and Safety Posters

We have produced 2 new posters for safety reps to display in workplaces. These are currently available for download at www.amicustheunion.org/safetyposters/. When printed copies are available we will publish full details of how to get them.

ROLLED-UP HOLIDAY PAY

Following a judgement by the European Court of Justice on 16 March, which ruled that the practice of rolling-up holiday pay was unlawful, the DTI has revised its guidance on the Working Time Regulations accordingly at www.dti.gov.uk/er/work_time_regs/wtr7.htm#section7. This now says

Following an ECJ Judgement on 16 March 2006, Rolled Up Holiday Pay (RHP) is considered unlawful and employers should renegotiate contracts involving RHP for existing employees/workers as soon as possible so that payment for statutory annual leave is made at the time when the leave is taken. Where an employer has already given RHP in relation to work undertaken, and the payments have been made in a transparent and comprehensible manner, they can be set off against any future leave payments made at the proper time.

Rolling-up holiday pay is where employers say that wages include an element to pay for holiday, but workers do not actually get paid when they do take holiday. Under the Working Time Regulations every worker is entitled to four weeks leave per year and they can only be paid for this leave if they leave a job with some outstanding holiday entitlement. Rolling up holiday discourages workers from actually taking holiday as they do not get paid during the time they are off.

Amicus members who are still being paid rolled up holiday pay (or who have been in the past and are concerned about the legality of it) should contact their regional office for advice. For general working time information see www.amicustheunion.org/workingtime/.

EMAIL ADDRESSES

We are updating our membership database with email addresses to improve communications and avoid duplications of information being sent out. Please email chris.o'leary@amicustheunion.org with your name, membership number, email address(es) and employer details, unless you have recently sent us this information (in the last couple of months).

UPCOMING EVENTS

Hazards Conference 2006

This year's Hazards Conference will be from 14-16 July at University of Manchester. Full details can be found at www.hazardscampaign.org.uk/ and a booking form can be found at www.amicustheunion.org/pdf/Hazards2006.pdf. This year's theme is Workers' Strategies for Healthy Workplaces. Safety Reps are encouraged to apply to their Regional Council, via their Regional Office, for funding to attend.

Stress network conference

The National Work-Stress Network's 7th annual conference will be held on Saturday 18th November 2006 at Hillscourt Conference Centre, Birmingham. The theme this year is Managing Sickness Absence With Care. For more details see www.amicustheunion.org/pdf/StressNetCon2006.pdf.

Members and reps unable to access any of the above electronically may contact Chris O'Leary in the Research Department on 020 7780 4006 or email chris.o'leary@amicustheunion.org to receive the information by email or post.

LEGAL

BLAH BLAH BLAH - TO COME

IN FORCE

The following have come into force: - T

Equality Act 2006

The main purpose of the Act is to establish the new Commission for Equality and Human Rights (CEHR). The new body will take over the functions of the Commission for Racial Equality (CRE), the Equal Opportunities Commission (EOC) and the Disability Rights Commission (DRC).

Transfer of Undertakings (Protection of Employment) Regulations 2006

These Regulations have taken 3 years to come into force! The Regulations give effect to the Amended Acquired Rights Directive (no.2001/23) which came into force in March 2001. It includes a new definition of "relevant transfer" and changes to other aspects of TUPE Regs. that required statutory clarification

An overview of the above and the final draft of the **Employment Equality (Age) Regulations 2006**, due to come into force on 1 October 2006 will appear in the next edition of The Activist.

CASE LAW UPDATES

TIME RUNS FROM THE DATE OF TUPE TRANSFER.

The House of Lords, in March of this year, delivered its judgement in the case of **Powerhouse Retail Limited v Burroughs**. Those of you who have been closely following the part time pensions cases will be aware that this case sought to determine the fairly narrow point of time limits for bringing an equal pay claim when there has been a TUPE transfer. So there should be no surprise at the outcome. As pension rights do not transfer under TUPE the House of Lords held, upholding the decision of the Court of Appeal that the time limit for bringing an equal pay claim, where there has been a TUPE transfer, is six months after the date of the transfer that being the date that the employment with the transferor ends.

[include John Usher's piece]

OTHER CHANGES FROM 6 APRIL 2006

Type of Payment	Current Rate (Previous limit)	Max. Period
Parental Payments		
Statutory Maternity Pay (basic rate)	£108.85 (previously £106.00) a week or 90% of normal weekly earnings if lower	20 weeks
Maternity Allowance	As per SMP basic rate	26 weeks
Statutory Paternity Pay	As per SMP basic rate	26 weeks
Statutory adoption pay	As per SMP basic rate	26 weeks
Sickness Payments		
Statutory Sick Pay (basic rate)	£70.05 (£68.20) a week	28 weeks in any 3 years

INFORMATION FOR NEGOTIATORS – APRIL 2006

Inflation

CPI annual inflation (the Government's target measure) fell to 1.8% in March.

The largest upward contribution came from housing and household services.

RPI inflation was unchanged in February, remaining at 2.4%.

RPIX inflation - which excludes mortgage interest payments - is 2.1% in March, down from 2.3% in February.

As an internationally comparable measure of inflation, the CPI shows that the UK inflation rate is slightly below the average for the European Union as a whole. The provisional inflation rate for the enlarged EU 25 in February was 2.2%, compared with the UK figure for the same month of 2.0%.

	RPI	RPIX	CPI
Jan 06	2.4	2.3	1.9
Feb 06	2.4	2.3	2.0
Mar 06	2.4	2.1	1.8
Jan 05	3.2	2.1	1.6
Feb 05	3.2	2.1	1.6
Mar 05	3.2	2.4	1.9
April 05	3.2	2.3	1.9
May 05	2.9	2.1	1.9
Jun 05	2.9	2.2	2.0
July 05	2.9	2.4	2.3
Aug 05	2.8	2.3	2.4
Sep 05	2.7	2.5	2.5
Oct 05	2.5	2.4	2.3
Nov 05	2.4	2.3	2.1
Dec 05	2.2	2.0	1.9

Labour Market

The employment rate for people of working age was 74.5% for the three months ending in February 2006. This is unchanged over the quarter but down 0.4 over the year.

The unemployment rate was 5.1%, up 0.1 over the quarter and up 0.4 over the year. The number of unemployed people increased by 30,000 over the quarter and by 120,000 over the year, to reach 1.56 million.

The redundancy rate for the three months to February 2006 was 5.7 per 1,000 employees, up 0.1 from the previous quarter.

Average Earnings

Average earnings including bonuses rose by 4.2% in the year to February, up from 3.6% in January. This increase (in the including bonuses rate) is mainly due to higher bonuses in the private sector services sector. This is partly due to stronger payments on a 'like-for-like' basis and partly due to timing changes. Average earnings excluding bonuses, or regular pay, rose by 3.8% in the year to February 2006. This is unchanged from January.

In the year to February 2006, pay growth (excluding bonuses) in the private sector was 3.8%, compared with 4.0% for the public sector. Including bonus payments, private sector growth stood at 4.2% compared with 4.3% for the public sector.

Full-time average weekly earnings by occupation

	£pw
All workers	£531.10
All Male	£584.40
All Female	£447.90
Managers	£798.80
Professionals	£726.70
Associate Professionals	£562.90
Admin & Secretarial	£361.90
Skilled/craft	£443.90
Services	£308.50
Sales	£291.70
Operatives	£406.30
Other manual jobs	£322.60

Interest Rate

The Base Lending Rate continues to remain at 4.5% (the previous change in interest rates was a reduction of 0.25 percentage points in August 2005).

This is due for revision at the next meeting of the Monetary Policy Committee on the 4th May

Economic Information on the Amicus website

For detailed information on the UK Economy including analysis of Labour Market Trends, Interest Rates & Economic Growth with an explanation of key economic terminology see www.amicustheunion.org/economy/

To comment on the new format of this fact sheet please e-mail Neal.Evans@amicustheunion.org

The AmicusPayline database is maintained by the **Labour Research Department** (LRD) as an online resource for union negotiators.

Please return this form to **LRD, Freepost, 78 Blackfriars Road, London SE1 8YX**, or fax it to **020 7902 9815**. If you have a query, call **020 7902 9811** or email pay@lrd.org.uk

You may not know answers to all these questions, but please complete as many as you can. LRD also welcomes copies of agreements or policies on pay and conditions.

Name of employer Workplace, agreement or bargaining unit title			
Type of workers covered (e.g. "manual" or "non-manual")			
National or local agreement			
Union(s) recognised			
Level of recognition Please tick as appropriate		Full negotiating rights	
		Conditions of employment only	
		Representation only	
		No recognition, membership only	
Is it a recent recognition agreement? If yes, please supply the date it was signed			
Is the workplace covered by an " industry " or " sector " level agreement? (e.g. local authority NJC) If yes, please specify			
Public or private sector?			
Employer's main business or industry			
Main location(s) of workplace (e.g. Nottingham)			
Number of workers covered (approximately)			
Date current pay rates came into force			
Date of any future staged pay rise (if applicable, e.g. 2-year deal)			
Date next agreement due			
Outline of most recent pay settlement (e.g. "two year deal with 3% on basic rates, shift premia increased from 25% to 26%, paternity leave increased from 3 to 5 days")			
Current basic pay rates • please give full-time rates	Grade	Pay rates basic/min (& scale max if applicable)	Occupation(s)

<ul style="list-style-type: none"> • weekly, annual, or hourly • if there are lots of grades, please give the main ones • you are welcome to provide additional information on pay rates if you wish 			
Any pay progression or service increments within grades?			
Are there any regular additions to basic pay rates? (e.g. allowances, shift premia)			
Are there any bonus or performance payments?			
Basic weekly hours (full-time)			
Annual leave (basic and, if applicable, service-related)			
Number of Statutory/public holidays (e.g. "8")			
Any other annual leave (e.g. "customary", "extra-statutory")			
Maternity pay & leave (please specify the amounts & the service requirement, if known)			
Paternity pay & leave (please specify the amounts & the service requirement, if known)			
Adoption pay & leave (please specify the amounts & the service requirement, if known)			
Any other parental or similar leave			
Any other special leave (e.g. bereavement)			
Any childcare provisions (e.g. nursery, vouchers)			
Name of person supplying this information			
Position in union			
Postal address			
Telephone			
Email (if any)			

**Thank you for completing this form. Please return it to LRD at the address overleaf.
Please note that data from *Payline* may also be published in LRD magazines and booklets.**

www.lrd.org.uk

LRD provide news and information for trade unionists



What is the Amicus Pay and conditions database?

The database is an online resource maintained by the Labour Research Department (LRD). It contains details of more than **2,600 collective agreements** covering over nine million workers, with information on all sectors of the economy and all regions of the UK.

For each agreement, the database provides details of the **latest settlement** where available, plus **pay rates, working hours, holiday entitlement, regional allowances, maternity, paternity and adoption leave and pay, dependency leave and mileage allowances**. You can also search for references to particular aspects of agreements.

As an Amicus member, you have automatic access to the database.

Using the Amicus Pay and conditions database

You can gain access to the database by visiting either:

- ▶ www.amicustheunion.org (click on “Resources”, then “Amicus pay & conditions database”); or
- ▶ www.lrd.org.uk/payline

You’ll be prompted to supply your username and password. These are (lower case, no spaces):

Amicus username: amicus	Amicus password: rd2002
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Once you’ve logged on, you can search the database by **industry, region, job, type of agreement** or various other criteria. We suggest that you start searching using fairly broad criteria, and then narrow your search down, rather than starting with a very specific search. To explore the range of industrial or occupational categories, click on the red text.

New features

We have recently added a number of new features to the service which we hope will make it easier to use and more helpful. These include:

- ▶ a new way of searching for **pay rates for specific jobs**. In the “Pay rates” screen, type in the job title you are looking for in the “Job title or description” box to find all the rates for this job.
- ▶ a new **Payline latest** front page, listing key recent developments.
- ▶ a new **Pay medians** report, enabling you to check increases in your industry or region.

We will be introducing **further improvements** in the future, so **keep checking** the site.

More information

For more information about the Amicus Pay and conditions database, call LRD on **020 7902 9811** or e-mail pay@lrd.org.uk. You can also write to us at **Pay and Conditions Department, LRD, FREEPOST, 78 Blackfriars Road, London SE1 8YX**, or fax us on **020 7902 9815**.

**LRD provides news and information for trade unionists:
www.lrd.org.uk**