

Unite - Briefing on Young Workers



Introduction

This briefing for safety reps was originally published to mark European Week for Safety and Health 2006 which had the theme **Safe Start** for young workers.

Work injuries are bad enough, but it is even worse when they happen early in someone's working life. Young workers may have to carry the results of an injury with them for the rest of their lives.

Young workers are often more susceptible to damage to their health from exposure to toxic substances which may not become apparent until much later in their life. It is all too easy to ignore hazards such as excessive noise, exposure to carcinogens or bad manual handling practice which may not cause obvious or immediate pain or illness— but the long-term effects may be catastrophic to health and the quality and length of life.

Young people's bones and muscles are still developing -heavy repetitive work could lead to muscle problems, and lifting heavy loads may result in skeletal damage and impaired growth. Research has also shown that young people are more at risk from getting repetitive strain injuries than other workers.

Employers need to do more to protect young workers and young people themselves need to know how to protect themselves at work. T&G safety reps can use their rights and functions to help to ensure safe working conditions for young workers – and drive up standards for everyone. You will find a case study giving just one example of what trained T&G safety reps can achieve in the workplace.

Important new regulations outlawing age discrimination at work became law on 1 October 2006. Workers of all ages may experience age discrimination. Unite is committed to fighting all types of discrimination and build solidarity between the generations.

Important

There is a large volume of sometimes conflicting legislation about the employment of children and young persons. It is not possible to discuss it all here. This briefing aims to provide signposts to good practice to help raise health and safety standards in our workplaces.

Unite safety reps/stewards should always aim to negotiate above the legal minimum.

Safety Representatives and Safety Committees Regulations 1977

Unite safety reps have a wide range of rights and functions which can be exercised to promote the health and safety at work of young people.

Management of Health and Safety at Work Regulations 1999

Relevant provisions include (this is not exhaustive):

Reg 3 The employer must not employ a young person unless they have carried out a special risk assessment to take into account a range of risk factors **before** the young person starts work.

Reg 10 The employer must provide comprehensible information to all employees (in the case of children, to their parents) about risks to the health and safety and preventive and protective measures.

Unite recommends that such information should be provided in writing.

Reg 13 The employer must provide health and safety training during working hours – and refresher training if necessary - to all employees [including supervisors and managers] at the start of their employment.

Reg 19 The employer must ensure that young persons are protected from risks to their health or safety at work arising because of their lack of experience, lack of awareness of risks and lack of maturity.

Employers must **not** employ young people in the following activities where they have identified significant risks to their health and safety that cannot be avoided:

- Work beyond their physical or psychological capacity
- Work where there is a significant risk of exposure to health from cold or heat or from noise or vibration
- Work involving harmful exposure to radiation
- Work involving exposure to agents which are toxic, carcinogenic, cause genetic heritable damage, or harm to the unborn child or which in any other way chronically affects human health
- Work involving the risk of accidents which it may be assumed cannot be avoided by young people owing to their insufficient attention or lack of experience or training.

Further details are set out in the Annex to the EU Council Young Workers Directive 94/33/EC/8 – this is reproduced in the HSE guidance *Young People at Work (HSG165, published 2000)*.

Working Time Regulations 1998

Hours of work

With a few exceptions (eg armed forces) young workers may not ordinarily work more than:

- 8 hours a day
- 40 hours a week

These hours worked cannot be averaged out and there is no opt-out. But in some circumstances they may work longer hours where this is necessary - either to maintain continuity of service or production or to respond to a surge in demand for a service or product. This is only provided that there is no adult available to perform the task and the training needs of the young worker are not adversely affected.

Rest breaks at work

If a young worker is required to work for more than four and a half hours at a stretch he or she is entitled to a rest break of 30 minutes (this is different from the entitlement for workers aged 18 and over) and also to take this break away from their workstation. This break should be **during** the shift, and not at the beginning or end of the shift.

Time off from work

- **Daily rest:** Young workers are entitled to 12 uninterrupted hours off in each 24-hour period in which they work. This entitlement can only be reduced or excluded in exceptional circumstances only (and they must then receive compensatory rest within 3 weeks)
- **Weekly rest:** Young workers are entitled to 2 days off each week, which should normally be two consecutive days. This can be varied in some circumstances.

Working at night

Young workers should not ordinarily work at night ie between 10pm and 6am, or between 11pm and 7am if the contract of employment provides for work after 10pm.

Risk Assessments and night working

Bear in mind that there are health risks. Night working upsets our body clock and is more tiring, physically and mentally. Some workers may be more at risk from working at night if they suffer from certain medical conditions.

The employer should regularly assess the health and safety risks of night working for all workers and involve Unite safety reps in this process.

Night work: the main exceptions for young workers

- They may work throughout the night in hospitals or similar establishments; or in cultural, artistic, sporting or advertising activities.
- They may work between 10pm or 11pm to midnight and between 4am to 6am or 7am if they are employed in agriculture; retail trading; postal or newspaper deliveries; a catering business; a hotel, public house, restaurant, bar or similar establishment; or a bakery.

Young workers may only do this:

If the work they are required to do is necessary to either

- Maintain continuity of service or production
- Respond to a surge in demand for service or product

And:

- There is no adult available to perform the task
- The employer ensures that the training needs of the young worker are not adversely affected
- The young worker is allowed an equivalent period of compensatory rest. A 2003 European Court case said that this compensatory rest should follow immediately after the working time it is supposed to counteract. If in doubt please seek advice from your Regional Industrial Organiser.

Free health assessments for night workers

The employer must offer a free health assessment to anyone who is about to start working nights, and to all night workers on a regular basis.

Case Study – Unite young members in action

Unite safety rep and Unite National Young Members’ Forum representative Jay Duncan reports on health and improvements that took place as result of Unite action in the local authority where he works.

Becoming a health & safety rep for Unite has opened my eyes to the ways in which we can ensure that employers comply with the law and don’t cut corners when it comes to health and safety at work. Manual handling is an example of this in my workplace.

1. We were expected to carry heavy household items such as washing machines, dryers, heavy bulky wardrobes, settees, cookers, fridges etc down several flights of stairs without any lifting equipment or any training in carrying out manual handling activities. My employer was then wondering why workers were going off sick with bad backs. Further to Unite representations, we now receive manual handling training – and refresher courses. My employer has also provided stack trucks.

2. For several years staff had been transporting cleaning equipment around in supermarket shopping trolleys - which are very difficult to manoeuvre. I raised the issue at the health and safety meeting and now more easily manoeuvrable trolleys have been introduced. This made the staff very happy indeed as they did not have to struggle any more.

My employer has also now provided high visibility jackets for cleaning staff. They realise that I take health & safety seriously and that I am trained and alert to hazards, and they now consult me in good time about any health & safety issues. My employer now takes notice whenever a health & safety issue is raised by either me or a member of staff. As a result we are continuing to improve health & safety standards at our workplace.

Thanks to Jay Duncan for his contribution to this briefing.

Further information and contacts

Unite health and Safety Unit

e-mail: healthandsafety@unitetheunion.com

tel: 02084627755

For all T&G section health and safety enquires please contact susan murray at

susan.murray@unitetheunion.com

tel: 02076112596

Trades Union Congress (TUC)

Young Workers – a guide for safety representatives www.tuc.org.uk

Hazards At Work: Organising for Safe and Healthy Workplaces (2005)

Chapter 47

Worksmart website www.worksmart.org.uk

Learning and Skills Council in partnership with the TUC

Apprenticeships. A short guide for union safety representatives.

Health and Safety Executive (HSE)

Website contains a huge range of health and safety information and materials

www.hse.gov.uk

Selected HSE publications

Management of Health and Safety at Work L21

Young People at Work. A guide for employers. HSG165 (2000)

*Free leaflet INDG364 *The right start. Work experience for young people:**

Health and safety basics for employers.

*Free Leaflet INDG364 *The right start;* and video; DVD *Risk it**

HSE Risk Education website for young people

www.hse.gov.uk/education/index.htm

Institution of Occupational Safety and Health

Wise up 2 Work interactive website www.wisup2work.co.uk

European Agency for Safety and Health at Work: Factsheets on young worker safety <http://ew2006.osha.eu.int>

Department of Trade and Industry

Your guide to the Working Time Regulations. First published 2003 but recently amended - now only available on the web at

http://www.dti.gov.uk/employment/employment-legislation/employment-guidance/page28979.html#rest_breaks

<p>Important. The information published in this briefing note is for guidance only and is not a full statement of the law. For more information contact your T&G Regional Industrial Organiser or T&G Health and Safety Unit. 0207 611 2596</p>
--

Young workers: Unite Safety rep's checklist

This list is intended to signpost issues – you can adapt it to take account of the specific situation risks in your own workplace

General

Is your employer aware that they have special health and safety legal duties in relation to employees aged under 18?

Is your employer aware of the prohibitions on employment of young people eg as set out in Reg 19 of the Management of Health and Safety at Work Regulations (see page 3 above)?

Consultation

Is the health and safety of young workers a standing item on safety committees?

Is the safety committee able to monitor performance in relation to health and safety of young workers – by ensuring that all injuries and work-related ill-health for young workers, trainees, people on work experience and apprentices are recorded and analysed separately?

Does the health and safety policy clearly identify which jobs/tasks should **not** be undertaken by young workers because they are too hazardous for them to carry out or may put themselves and others at risk?

Is the policy kept under review?

Training

Does your employer provide structured induction training for all new employees including young workers?

Are you given the opportunity to attend inductions and introduce yourself and explain your role?

Are new employees given relevant and integrated training on health and safety issues and safe working practices in addition to general training about the job?

Are safety reps consulted about the content of induction and other training programmes for young workers?

Does the employer monitor the training of young workers to ensure it is effective?

If the young worker is in an apprenticeship or work experience, does the college or training provider monitor the training?

Risk Assessment

Does your employer carry out specific risk assessments for young workers under 18 before they start work, and include them in the process?

Are safety reps involved and engaged, in good time, on risk assessments?

Is a risk assessment carried out each time a young worker does a task for the first time?

Does your employer provide information about health and safety risks to all employees including young workers?

Do risk assessments for young workers (including those aged over 18) take account of their lack of experience and awareness of risks?

Supervision

Are young workers adequately supervised?

Are supervisors trained and given adequate time to carry out effective supervision?

Do their supervisors have adequate health and safety training?

Working time

Does your employer adhere to the Working Time Regulations for young workers (under 18) in relation to:

- Working hours?
- Night work?
- Time off?
- Rest breaks?

Raising concerns and reporting accidents

Do young workers know who their Unite safety rep is and how to contact them?

Do they know how and with whom to raise health and safety concerns?

Do they know how and to whom to report accidents and near misses?

Occupational health

Is appropriate health surveillance in place if necessary?

Are young workers trained to be aware of ill-health effects so they know when to seek medical advice?

Union Organisation

Are young workers encouraged to engage actively in health and safety issues in the workplace and to put themselves forward for election as Unite safety reps?