NW Health and Safety Forum – January 2017

Last year the Forum met according to the regional calendar but attendance has dropped significantly. We did not have any attendees from Head Office at the Forum but usually received a written report, much of it dated by several months. Last year we committed to taking the meetings around the NW and that will continue, we have also attended other Forums to observe best practice.

Apart from sharing industrial issues that may have an effect across the membership the Forum discussed European Health and Safety week, environmental concerns, violence to staff and high risk areas, the continued growth in a lack of consultation on H & S matters, H & S structures across all our members businesses, HSE statistical data and so on.

The Forum took park in consultations on sentencing guidelines and we have seen punishments for crimes getting more suitable with considerable financial and custodial penalties being handed out. Key points are;

* Work related violence is covered by the Health and Safety and Work Act 1974
* The new guidelines move to risk based rather than outcome based sentencing
* Lower threshold for imprisonment
* A closer relationship between the level of fines and an organisation's ability to pay
* Introduction of a culpability scale

We have mentioned the increasing fines previously and one of the latest prosecutions for a health and safety crime saw a building merchants getting fined £2m after a customer was killed in Milton Keynes. The company pleaded guilty but the Judges said it was an accident waiting to happen. Those who wish to trivialise health and safety should consider the devastated family and friends involved in this preventable death. The Sentencing Guidelines will continue to highlight that responsibility cannot be passed down to workers. Decisions and ethos of management and boardrooms cause preventable incidents and where workers get killed, injured or made ill those responsible must be brought to justice.

The last report by Amnesty International into the working conditions on Qatar’s World Cup projects still contains lists of abuses and appalling conditions being suffered. Awful living conditions, the confiscation of passports, illegal recruitment fees all affected many who were supposed to given protection following previous exposures. Restrictive kafala laws trap workers including those who tried to return to Nepal following the earthquakes last year. So much for the “new” transparent FIFA and President Gianni Infantino; it’s their tournament and it’s their problem - FIFA has full responsibility to make sure that the 2022 World Cup is not built on the abuse of workers.

The interim report in to the Shoreham Airshow crash highlighted that there was not a suitable risk assessment. The RA did not consider the hazards posed by each of the different aircraft at the show nor who would be exposed to them. This prevented proper controls and ownership being put in to place. RAs are a valuable tool in safety but only if done correctly and used to minimise danger to workers and in this case the public. In the workplace they should be available at the point of need and not some weighty volumes quoting masses of legislation then stuck on an office shelf gathering dust, only coming out to accuse a worker when there has been an incident.

We have to look at the way we interface with other unions and bodies such as the HSE, both formally and informally. For example there are meetings held with the HSE and the CWU that are almost secret with us never getting a report back from nor being able to get anything on the agenda. Locally we meet with other safety representatives in the NW, organised by Greater Manchester Hazards Centre, these meetings are increasing useful and we have requested that they are more frequent even if less formal.

We still have concerns in the direction of the HSE when there are repeated quotes in the media that they should explore options for further commercialisation. Also the running down of the HSE was an issue raised with Head Office evidenced by the Board meeting schedule for 2016. There were nine Board meetings in 2013, four scheduled 2006 one of which was cancelled at short notice. There are four scheduled for 2017.

There was an event at the Imperial War Museum at the end of November when stakeholders met under the “Help Great Britain Work Well” banner. Martin Temple (HSE Chair), Richard Judge (HSE’s Chief Executive) and Penny Mordaunt MP (Minister of State for Disabled People, Health & Work) were all in attendance and available to speak to and raise concerns. The CWU were represented by Dave Joyce and I and we invited Martin to CWU Annual Conference next April. The HSE Board meeting due to be held at Rose Court in London will be one of the few held this year. The major agenda item is The Ionising Radiations Regulations 2017 and the Branch will be involved in the consultation when it ratified by the Board and published. The Directive, which has to be implemented by 6 February 2018, brings together five previous directives and a Commission recommendation. However, disappointing is the Board agenda is the schedule for next year’s open Board meetings has been reduced to four. TUC lobbying reset the agenda for the HSE Board and the CWU will continue to involve itself at all such opportunities.

The Control of Electromagnetic Fields at Work Regulations (CEMFAW) 2016 came in to force recently it will looks at different frequencies that affect workers causing sensory and health effects and we will consider any issues in BT which may be result from the continuous new equipment in the different frequency ranges that are introduced. Intermediate frequencies between 100kHz and 10MHz can have both thermal and non-thermal effects on the body and also to consider are workers with implanted devices like pacemakers or defibrillators. The concern is not that one piece of kit is unsafe, we are sure it would not passed development – but that there are many different types of kit within the same vicinity and cumulative effects may be unsafe in the longer term.

The Forum had commented previously on the latest driving sentencing consultation and will do again. Driving offences shatter families and have devastating consequences for victims and the term “careless driving “ should be binned as it nowhere near describes the offence, callous would be more in line. There is no opportunity to be careless when behind the wheel; a driver is not taking a photograph. Also we’d suggest that the seriousness of injury should not be a major factor but that the seriousness of the offence should be – the offence is the same whatever the result of that breach of legal duty. Postal workers and BT engineers must not be tempted to answer mobiles or respond when driving. If a vehicle is being driven there is no excuse for using a mobile phone for email, text or telephony. None.

CWU Head Office agreed with a fundamental change to national meetings with BT and CWU representation. There was a meeting in Birmingham over the 14/15 June with a CWU representative from each region and someone form every lines of business, pan-BT. That was Openreach, TSO, BTFS, BT Fleet, BT Supply Chain, BT Estates, Contracts Management, BT Global Services, BT Business, BT Wholesale and BT Consumer, also EE which is now a BT fully owned subsidiary as is Manx Telecom. When you think that there are several parts to Openreach alone to be represented, then all others like TSO need a senior decision taking manager there plus his/her safety adviser’s attendance will soon add up. Head Office is adamant that the regions (the NW) can only send one representative. For many years the NW has sent the best person for that LoB to a national safety meeting. These were to be quarterly meetings, in January 2017 Head Office said that there would be no further meetings with BT this financial year. Meanwhile in the NW we organised an all LoBs Health, Safety and Environment meeting in October at Blackburn TEC which went surprisingly well, the next meeting is February.

The Forum has discussed the internationally-agreed ISO 45001 which should have been out in 2016 but are now due in June 2017 with the BTs different lines of business. This aims to prevent injury or ill health by proactively improving occupational health and safety performance and businesses will be audited on both their leadership and worker involvement. As IOSH point out, senior management set the tone for the rest of an organisation and therefore if they are open and being seen to doing the right things then the rest of the workforce will follow.

Some time ago the Forum voted on five priority issues and they have not changed, namely;

* The legal right to stop the job if a USR considers there to be clear and imminent danger without retribution.
* A positive duty on Directors to make them accountable for health and safety in their organisations and hold them to account.
* A legal duty for employers to respond to safety issues raised by USRs - at the moment they do not have to respond.
* Free legal representation for families of those killed by work during investigation and inquest - they are victims of crime.
* The promotion of the business case for healthier workplaces and healthier workforces - should be easier to get a positive response when prove good health is good business.

As mentioned, the Forum is for the NW and we will continue to move it around the NW. We will also use our own in house expertise from within the CWU, we have experts, who do work in the community that we can use.

Dangerous Dogs - Jamie McGovern [CWU ASR Greater Mersey Amal] is continuing his excellent work with RM, Merseyside Police and Liverpool University on a **‘5 Step Avoid’** initiative which was recently successfully trialled by Royal Mail in Merseyside. Below is tailored to BT speak showing it can be used for the wider CWU membership.

* **Avoid** – avoid interacting with all dogs, a dog only becomes ‘dangerous’ after it has attacked someone. Do not pet any dog, do not give treats it creates unnecessary risks. If you cannot safely access the property follow BT guidance and inform control/manager.
* **Value yourself** – it really could happen to you!! 3000 postal workers are bitten every year, 8 every day. Most people are bitten by a dog they already know. Do not fall into the trap of thinking that ‘dogs like me’ or ‘I will be okay’. Your health and wellbeing is more important than any need to come into contact with a dog.
* **Observe** – stay observant and look for any signs that a dog is present or loose on a property. Make a noise if necessary before you risk entry.
* **Inform** – inform others about the potential risk to avoid them being bitten, use the AIRG or Near Miss procedure but report it, do notignore it. Report all relevant information, including new dogs to staff, managers and police if need be. It is necessary to keep everyone safe.
* **Defend** – if required, defend against a dog bite by using your equipment, such as tool bag, to create a barrier between you and the dog. Most bites occur on the limbs, so wearing long trousers and sleeves can help protect from serious injury.

RMG ASRs continue meet on the last Friday of each month at North Lancs & Cumbria's Branch office (75 Garstang Road, Preston) and the BT Health and Safety Coord also meets monthly at variable venues depending on issues. The Coord website [[www.unionsafety.eu](http://www.unionsafety.eu)] continues to be well “hit” from around the world particularly USA and Australia, promoting the CWU in general and the NW particularly.

The Forum had planned a safety seminar for all CWU Safety Reps on the 13th.May but have had to cancel it. We've had problems with getting speakers to support Afzal Khan MEP and we thought it unfair to ask him to speak for two or three hours. Afzal had kindly agreed to address the Forum specifically on the EU and effects on workplace health and safety as well as the [then] forthcoming EU 'in/out' referendum. We had timed it intentionally, after the locals and during the referendum campaign, but the latter may have been an issue and this may have presented problems in getting speakers who were suitable to support Afzal and relevant to the CWU position which was reaffirmed at conference.

Two thousand and seventeen will bring workplace health and safety challenges like any other year, the continued advancement of driverless vehicles will accelerate (I thought that was good) with a possible Formula E car race highlighting the progress over the last twelve months. It seems unions in UK and further afield may not be looking far enough into the ramifications for workers and society to ensure that this technology is used to befit workers and not abuse them or their working conditions. Further technological development of internet and the Over The Top platform will bring such vehicles sooner rather than later and the initial safety concerns raise an interesting paradox whereby if a driver has an incident he/she learns from it but if an autonomous vehicle has an incident all the other vehicles it is connected to learn the lesson and therefore the roads become safer.

It seems to be taken that the workplace induced ill-health costs businesses and the country millions of pounds every year so we will see health taken more seriously and companies eventually acting proactively. We don’t care what the driver is if it makes workplaces healthier for the short and longer terms.

One of the biggest political evets in the year will be the triggering of Brexit and we need to front up issues head on to prevent a race to the bottom in working conditions. We have seen continual attacks on trade unions throughout the EU but none have faced more than unions in the UK; highlighted by the sometimes near hysterical rants by the popular press against unions who have taken industrial action in the latter part of last year. The drive by the government will be for a cheap labour market, the cheapest in the northern hemisphere. An economy largely driven by SMEs where there has traditionally been a very low union density, we have to address this and offer services and value to these individuals, such as advice and support on health and safety issues. We will never return to 'traditional' working class working in large factories and have to offer value to workers on fixed-term or part-time contracts, we need a clear vision of representation in the new workplaces and the communities where we live. It has not been as important for a worker to be in a trade union for many years as it is today.

Whilst we wouldn’t even consider that the death of a British worker is more important than all the others who have died working on a World Cup stadium in Qatar, the working conditions again come under criticism. The worker was at the stadium in Khalifa when he fell with a quote from the construction firm saying that a lever hoist supporting the platform failed “for unknown reasons”. Amnesty International said it’s the second (reported) death in the workplace at a Qatar stadium in the last three months. FIFA are more concerned with the politics of the World Cup than the lives of the people working on the various building projects. The President of FIFA Gianni Infantino should be investigating what is going on and preventing a single further serious injury to a worker.

The appalling Government playing politics with workers health was highlighted when last month a man died on his way home from a Jobcentre appointment only a few months after being declared ‘fit to work’. Despite complaining about long-term health problems, including breathing difficulties, his Employment and Support Allowance had been cut following a work capability assessment which found he was fit to work.

It was interesting to see that workplace inspections are in crisis not just in this country but across the whole of Europe. With very few national exceptions inspectors have been reduced while inspectors have been assigned more extensive duties note the European Trade Union Institute in their recent report. Despite the emergence of new risks such as nanotechnologies, psychosocial risks and so on requiring extra resources the amount of work being put on to inspectors is bordering on the reckless. Society needs strong inspection and prosecution regime but there is a lack of political support for HSE inspectors and largely their only friends are the workers and the unions.

Many of our members work from Mobile Elevated Work Platforms (MEWPs) and they will have seen the recent prosecution of a plant hire company director who was jailed for two years last month following a fatality to one of his workers caused by a substandard repair and a failure to have a systematic examination routine of the MEWP. Responsibility starts at the top and when there is a safety failure so does the guilt.

Thanks to Tony Salt for his work over the year and to all who participate in the Forum meetings. We like to keep it relatively informal so everyone can have a say and the attendances and contributions are varied and wide ranging.

Derek Maylor.