

# Letter to Branches

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No. 238/12

Ref N4

Date: 5 April 2012

**To: All Branches**

Dear Colleagues

## **Defend Health and Safety Campaign Day of Action & Workers Memorial Day - 28 April 2012 - Bulletin 5**

### **Union health and safety representatives**

One of the principles behind Britain's health and safety laws is the belief that the involvement of the workforce is crucial to achieving good standards of health and safety, and that health and safety systems work best when trade unions and employers work together.

It cannot be disputed that better standards of health and safety are achieved in unionised workplaces than in similar non-unionised ones. At the core of this are health and safety representatives. This group of unpaid volunteers make a massive difference in the workplace. In recent years they have saved countless lives, and helped stop millions of workers from being injured or made ill by their work.

Yet their work seems to go unnoticed and unrewarded by many employers and by the government. In fact a number of proposed changes will either make it more difficult for health and safety representatives to do their job, or give them an even bigger workload.

### **The benefits of union health and safety representatives**

There are around 150,000 health and safety representatives in the UK appointed and supported by trade unions. A DTI paper published in January 2007, '*Workplace Representatives: A review of their facilities and facility time*', estimated that safety representatives at 2004 prices saved society between £181m and £578m each year. It estimated safety representatives prevent between 8,000 and 13,000 workplace accidents and between 3,000 and 8,000 work-related illnesses.

The TUC report, '*The Union Effect*' outlined the benefits of trade union organisation and health and safety representatives. In 1995 a group of researchers found that those employers who had trade union health and safety committees had half the injury rate of those employers who managed safety without unions or joint arrangements. Several other analyses of the same figures have all concluded that the arrangements lead to the highest injury rates are where management deals with occupational health and safety without consultation. In 2004 a further analysis of the data confirmed that 'the general conclusion is that health and safety should not be left to management alone!'

In 2007 the same authors once again found lower injury rates in workplaces with trade union representation and the effects were deemed to be significant. By contrast the effect of management alone deciding on health and safety was not significant.

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But it is not only injuries that trade unions help reduce. It is also ill health. Another study in 2000 found that 'The proportion of employees who are trade union members has a positive and significant association on both injury and illness rates.' It went on to say that 'the arrangements associated with trade unions. . . lower the odds of injury and illness when compared with arrangements that merely inform employees of OHS issues'.

The HSE's own research has reinforced these conclusions. A study showed that the more an employer consulted, the more effective were the control measures. Some of the figures were quite dramatic. Where an employer always consulted, slips risk controls were deemed effective in 76% of cases, but where there was less consultation the control measures were only very effective in 40 per cent of cases. For falls the figure was 56 per cent as against 18 per cent and for MSD risk controls the figures were 57 per cent and 22 per cent respectively. The same research showed that stress was twice as likely to be recognised as a risk where workers are involved in health and safety management.

In 2003 the Health and Safety Executive (HSE) ran a number of pilots where trade union appointed Worker Safety Advisors went in to non-unionised organisations. The report into the pilot showed that over 75% of employers said they had made changes as a result and almost 70% of workers had seen an increase in the awareness of health and safety.

### **How they make a difference**

One of the reasons unions make such a difference is that they ensure that their safety representatives are trained. An HSE survey into the chemical regulations (COSHH) found that health and safety representatives were far more knowledgeable than their managers. The survey also found that safety representatives were almost twice as likely to have received training in health and safety in the last two years than line managers.

Every year the TUC trains around 10,000 health and safety representatives and many more are trained through their unions, like the CWU at our E&T Centre, Alvescot Lodge. In those rare occasions where there are non-union safety representatives they get their training from management, or management appointed consultants, so are less able to challenge what management tell them.

Also health and safety representatives know the workplace far better than management as they are aware of what really goes on. They also act as a channel for individual workers to raise their concerns. An HSE research paper concluded that 'health and safety committee representatives provide a diverse channel for reporting events and hazards'.

It added 'union backing, even if it is just knowledge that additional support is available if required, is invaluable'.

Unions often realise the risks long before management. Many risks were first identified by unions, sometimes after management ignored or hid early warnings. It was unions that highlighted the dangers of asbestos and campaigned for a ban many years before the government introduced one. If action had been taken then, it could have prevented many of the 4,000 annual deaths that are caused by asbestos.

Unions also unearthed the risks posed by many hazardous chemicals such as carbon disulphide and vinyl chloride monomer. Unions were the first to raise major concerns over levels of violence in the workplace, and RSI, and the effects of passive smoking. When unions first raised the issue of stress, employers and the media argued it was nonsense. It is now recognised that workplace stress effects around half a million people. Even today it is unions and groups of safety representatives that are highlighting the potential risks within the semi-conductor industry, or from nano-technology.

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Where staff have health and safety representatives and safety committees they know that they have a voice. That makes them more willing to raise issues. Unions also help make their members more aware of safety issues in the workplace.

However, involving workers directly, without union representation is far less likely to be successful. Research conducted in 2010 for both ROSPA and the HSE found that where worker involvement happened in non-unionised workplaces it was more likely to follow the employer's agenda, while unionised health and safety representatives were more likely to be empowered to set an agenda and be challenging.

### **Role of representatives under this government**

The recent Lofstedt report into health and safety was very positive about health and safety representatives and the benefits of involving the workforce, however, the government has done nothing to support union representatives. Quite the opposite. Since coming to power in 2010 the government has cut the amount of money they give the HSE by 35% over the next three years, while local councils have seen a 28% cut. This will cut the number of inspectors that will be available to visit workplaces.

They have also told the HSE and local authorities to stop 'proactively' inspecting most types of workplaces. Instead they will only be able to inspect after a reported injury or a complaint. This will change the role of Union health and safety representatives as they will have to act much more as the diligently as the eyes and ears in workplaces to ensure that any problems are reported.

Health and safety representatives cannot do the job of HSE and local authority inspectors, but in future they will be the only people who are independent of the employer that will be ever be seen in most workplaces. Therefore it will become even more important that they do regular inspections and make sure that any issues identified are dealt with. If not then they will need to report them to the HSE or local authority.

**That is now much more difficult as the phone numbers of local offices have been removed from the HSE's website!**

The cuts have also made it more difficult to get information. For many years the HSE ran a free information line that employers and health and safety representatives could call for free information or advice. Every year it was called by over 200,000 people, including many health and safety representatives. **The HSE Info-Line was closed down last year.**

That is not all the government is doing to make it more difficult for health and safety representatives to support their members. In the public sector all employers have been asked to review 'facilities time' which is the amount of time that union representatives are allowed off to do their union work. This includes health and safety representatives.

The government has said that only the very minimum legal entitlement should be agreed to. Some activities such as campaigning on safety issues, attending union meetings or supporting safety representatives in other workplaces may be considered to be above the minimum and representatives will be told to do them in their own time or to take unpaid leave.

It will also be harder to take action against the employer if a health and safety representative is victimised. At present a health and safety representative can take the employer to an employment tribunal to challenge what the employer has done. This, however, will become more difficult if the government gets its way.

They are proposing to charge £200 to lodge an employment tribunal (ET) claim and £1000 for a hearing at an employment tribunal.

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They have given another option of an upfront fee of £500 to access the Tribunal that can rise to £1,750 if the employee is claiming more than £30,000 in compensation. These charges will even apply to a worker claiming victimisation for activities they carried out as a union health and safety representative or raising health and safety as an issue.

However, it is not only dismissal and victimisation claims that will be affected. The only way that a health and safety representative can seek to challenge a refusal by their employer to give them time off for training is by taking a case to an employment tribunal.

If the government gets its way it means that a health and safety representative will now be charged for trying to get the training they need to help their fellow workers.

### **What you can do!**

The TUC, supported by the CWU and all other affiliated Trade Unions is organising a Day of Action to defend health and safety. This will be held on 28 April 2012, which is International Workers Memorial Day when we traditionally remember the dead and fight for the living. Never has that message been more important than now. Let's ensure that we make it clear that we want clear commitments and action from those who should be protecting us.

**Join any events in your area on that day and demonstrate that we will not give up our right to a safe workplace.**

Yours Sincerely

**Dave Joyce**

National Health, Safety & Environment Officer

***Workers Memorial Day 28 April 2012  
Remember the dead - but fight for the living***

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