

# PCS Fylde News

Issue 16

## Attack on safety reps could be even more damaging

The damage to safety from the government's Trade Union Bill could be even worse than originally anticipate, the TUC has said.

The union body last week warned that the Bill includes measures that could dramatically curtail the time available to public sector union safety reps to perform their functions and get trained. It noted capping paid time off for safety activities is "a likely breach of the European Framework Directive."

But inquiries by TUC head of safety Hugh Robertson has established that the Bill, which calls for recording and reporting of time off as well as hours limits, could affect more than just public sector workers. Robertson says the Bill indicates the measures would be extended to "a body or other person that is not a public authority but has the functions of a public nature and is funded wholly or partly from public funds."

According to the TUC safety specialist, that would include "almost any employer that gets any public money, charities, housing associations, colleges, research bodies, most organisations that get any lottery money, anyone with a public sector contract." Writing on the TUC's health and safety facebook page, he adds: "It will probably include anyone that gets money from the EU as well, so a lot of private companies, if they can be seen to have a 'function of a public nature' (whatever that means), will fall within the definition. Ironically the TUC would come under the scope of the Bill as much of our training is state funding, and is definitely of a public nature, as will many of our Hazards centres." Robertson concludes: "Of course, that does not mean that the government will include us, or all these bodies in any new regulations, but they will be giving ministers power to do so, and that is worrying."



## *Fees for employment tribunals still put people off.*

This information has been supplied by the  
**TUC**

Fees of up to £1,200 to start an employment tribunal case are still deterring people from challenging illegal employment abuses at work, the TUC has warned.

Responding to a report by ACAS on the first year of the early conciliation process, TUC general secretary Frances O'Grady said: "This research confirms that people are having as many problems at work as ever."

She added: "Resolving those issues as soon as possible is important. It is encouraging that the vast majority of employers and staff are participating in early conciliation, and that Acas is settling so many cases so quickly. However the research suggests that fees are a major deterrent for individuals taking their claims to employment tribunals, with around at least one in four claimants whose cases are not settled by early conciliation being put off from further action by the costs."

The TUC leader said: "Many employees – particularly the low paid – cannot afford justice, which could explain this apparent keenness to settle a dispute at early conciliation without going to tribunal. Employment tribunal fees have been a huge victory for Britain's worst bosses. By charging up-front fees for harassment and abuse claims the government has made it easier for bad employers to get away with the most appalling behaviour. The Ministry of Justice must prioritise its review into the impact of tribunal fees and take swift action to abolish them."

Last month the government announced a government review into the impact of employment tribunal fees, with the TUC warning it must not be a 'political stitch-up'. Under the fees system, workers can be required to pay up to £1,200 for taking a tribunal complaint about issues including victimisation for workplace safety activities.

It's ear-splitting Metal Mick back with the results of my quiz.

Here are my hard rocking answers:

**Answer 1:** Queen told us to tie your mother down.

**Answer 2:** Judas Priest were unleashed in the East.

**Answer 3:** Blackie Lawless was the lead singer of W.A.S.P.

**Answer 4:** Duality was a UK hit for Slipknot.

**Answer 5:** Metallica had an album that was also known as the Black album.

**Answer 6:** Queen had seven seas of Rhye.

The winner will receive a mystery prize of chocs was Mandie Ollerton - Well Done Mandie, you know your metal!!!

Rock on!

*Metal Mick*

*The following details have been supplied by the TUC:*

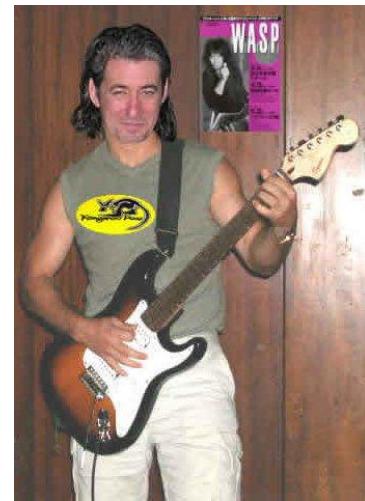
### **Tribunal fees review must not be a 'political stitch-up'**

The TUC has welcomed the announcement of a Government review into the impact of employment tribunal fees, but warned that it must not be a "political stitch-up".

New figures published by the Ministry of Justice (MoJ) show that the number of single employment tribunal claims brought by individuals between January and March 2015 was 25 per cent lower than over same period in 2014. The figures also show that single claims are 69 per cent lower than they were between January and March 2013 – shortly before employment fees were introduced. Under the fees system, workers can be required to pay up to £1,200 for taking a tribunal complaint about issues including victimisation for workplace safety activities.

TUC general secretary Frances O'Grady said: "Tribunal fees have been a gift for Britain's worse bosses allowing many to flout the law. Charging people up to £1,200 to pursue a claim has priced thousands out of justice and ruined lives." She added: "This review is a welcome, if long overdue, announcement. However, it must not shy away from telling hard truths. It has to be transparent and prepared to recommend abolishing the current system. If all it does is come up with half-measures then it is likely to be viewed by many as a political stitch-up. Tribunal fees need to be scrapped urgently."

The employment tribunal fees system has been the subject of legal challenges from UNISON. Two cases were rejected by the High Court, however an appeal was granted and is due to be heard in the Court of Appeal this month.



# **Metal Mick's Music Quiz**

## **RESULTS**

## Mythbuster: The Human Rights Act

With the right-wing media keen to scrap the Human Rights Act, campaign group Liberty has helped to bust some common myths and misconceptions.

There are many common false accusations against the act, including:

### **It undermines parliamentary sovereignty**

It has actually increased British sovereignty. Before our HRA, cases went to the European Court of Human Rights in Strasbourg without any judgment from a UK court.

### **Under the act, British courts are bound by the European Court of Human Rights in Strasbourg**

On the contrary, UK courts do not have to follow the judgments of the European Court of Human Rights - they must only 'take account' of them.

### **The act does nothing for ordinary people**

On the contrary, it protects everyone's human rights - young and old, rich and poor, yours and your neighbour's.

### **People now have a 'human right' to anything**

No, they don't. In fact, our HRA only protects 15 well established fundamental freedoms, like the right to life and right to a fair trial.

### **It protects only criminals and terrorists**

The act protects the rights of everyone. It requires the state to take practical steps to protect people whose rights are threatened by others.

### **It has cost the UK taxpayer millions and been a goldmine for lawyers**

Actually, one of the main reasons for our act was to reduce the costs and delays caused by having to go to the Court of Human Rights in Strasbourg.

### **Human rights have been imposed on us by Europe**

No, they haven't – our act was independently passed by our own parliament in 1998, with cross-party support.

### **It gives too much power to unelected judges**

Unlike most bills of rights around the world, our act doesn't give the courts any power to strike down laws.

### **The HRA prevents us from deporting dangerous foreign criminals**

There's no general prohibition in our act on the deportation of foreign nationals.

*The following details have been supplied by the TUC:*

## **Fracking funded study admits safety concerns**

A report by the UK Task Force on Shale Gas has called for greater safety and transparency measures to be implemented before widespread fracking occurs across the country.

The task force, which is led by former Environment Agency head Lord Smith and which is funded by the shale gas industry, has called for 'full disclosure' of all chemicals to be used by the industry, as well as independent monitoring of the fracking process. Much public concern has focused on environmental risks, however fracking in the US has been linked to high exposures to potentially deadly silica in fracking workers, and a number of deaths have been attributed by regulators to occupational exposure to chemicals during fracking operations. Other studies have identified elevated exposures to cancer-causing chemicals in the vicinity of fracking sites.

Lord Smith said: "We believe it should be independently monitored and inspected. The status quo has no requirement of independent monitoring, it is effectively left up to the companies themselves to report. For public confidence, it is important that it is independent." The task force said it believed that the risk level associated with the public health hazards from fracking are "acceptable provided that the well is properly drilled, protected, monitored and regulated."

Andy Rowell, writing on the Oil Change International website, which promotes the 'transition towards clean energy', noted: "So arguing that fracking is fine as long as it is well regulated, is like saying that the Titanic is safe as long as the deck chairs are all in nice regulated rows. No wonder the industry was pleased with the report."

*The following details have been supplied by PCS HQ:*

## **Hot under the collar?**

**As summer is upon us and the temperature rises, we look at your rights at work.**

Although there is no legal maximum working temperature, there is a requirement for employers to address both upper and lower temperatures at work.

Environmental factors (such as humidity and sources of heat in the workplace) combine with personal factors (such as the clothing you're wearing and how physically demanding your work is) to influence what is called your 'thermal comfort'.

The HSE describes a trigger mechanism for identifying whether there are grounds to undertake a thermal comfort risk assessment:

**For air-conditioned offices:** Are more than 10% of employees complaining of being too hot or too cold?

**For naturally ventilated offices:** Are more than 15% of employees complaining of being too hot or too cold?

Visit the HSE's website:

<http://www.hse.gov.uk/temperature/thermal/index.htm> for more information and on how to measure thermal comfort.

### **What the law says:**

The key legislation is the Workplace (Health, Safety and Welfare) Regulations 1992 which states "During working hours, the temperature in all workplaces inside buildings shall be reasonable". As well as temperature itself, the legislation also addresses ventilation, the supply of fresh air and includes a Code of Practice that makes stipulations about the use of air conditioning systems.

Sources of heat can include electronic devices such as computers and photocopiers.

The 1992 Health and Safety (Display Screen Equipment) Regulations say that "Equipment belonging to any workstation shall not produce excess heat which could cause discomfort to operators or users" and "Ventilation and humidity should be maintained at levels which prevent discomfort and problems of sore eyes."



## The national disgrace of ‘disposable workers’

Insecure employment is creating an army of ‘disposable workers’ too scared to take sick leave and who are fired when they can no longer perform, according to the TUC.

The union body was commenting after Health and Safety Executive (HSE) research found that “temporary and permanent employees have comparable rates for both injuries and ill health”, but also discovered “temporary employees have around half the average working days lost per employee of permanent employees.”

TUC head of safety Hugh Robertson said the findings exposed an ‘absolute disgrace’, with the reason temporary workers are half as likely to take sick leave down to two damning realities. “Firstly, these are scared to take time off work even when they are ill or injured. Secondly, employers do not renew their temporary contracts, or even just fire them, when they take time off,” he said. “This more than anything sums up what the current deregulated workplace means, especially as many of these workers are low paid, on zero-hours contracts or otherwise vulnerable.”

The union health and safety specialist concluded: “It is an absolute disgrace that employers are able to injure workers and then just get rid of them. We really do need to tackle this new ‘disposable worker’ economy and get these workers in unions and covered by proper employment rights.”

In 2013, the US safety regular OSHA announced an enforcement crackdown on the dangerous exploitation of temporary workers. A year earlier, the state of Massachusetts implemented a ground-breaking law intended to protect temporary workers from safety and other abuses.

## Big change needed to tackle work fatalities

Dangerous signs that the long-term reduction in workplace fatalities has stalled or could be reversing provide more evidence that a new approach to prevention is needed, the TUC has said.

The union body was speaking out of the release this week of provisional Health and Safety Executive (HSE) fatality figures for 2014/15. These revealed 142 workers were fatally injured at work between April 2014 and March 2015, a rate of 0.46 fatalities per 100,000 workers. This compares to last year’s all-time low of 136, at 0.45 fatalities per 100,000 workers.

TUC head of safety Hugh Robertson said “the rate of deaths has been almost unchanged over the past five years,” adding the new figures “once again demonstrate that the steady fall in fatalities that we have seen since 1974 has stopped and may even be beginning to reverse.”

The TUC safety specialist was critical of government policies over the last five years, which he said “have done nothing to help prevent workers being injured or killed and need a big change, with more emphasis on inspection and enforcement.” He also warned against too much focus on fatal injuries, as “the TUC always stresses that fatalities are less than 1 per cent of the actual number of deaths caused through work.” He said overall the injury and ill-health trends are better demonstrated by the more broad-based figures released by HSE every October. Last year these showed that the number of people being injured or made ill through work was rising, reversing a long-term downward trend. New cases of work-related illnesses, and the number of self-reported injuries, both rose to well above the level in 2010/11. At the same time enforcement action had fallen.

**This information has  
been supplied by the:  
TUC**

**TUC**

The following couple of pages have been supplied by the TUC:

## Don't leave staff hot and bothered as temperatures soar

Half-baked dress codes should not leave workers cooking as summer temperatures soar, the TUC has said.

This week thermometers in some parts of the country topped the 30 degrees Celsius mark, prompting the union body to call on employers to temporarily relax workplace dress codes to help their staff work through the heatwave as comfortably as possible. While there is a legal limit below which workplace temperatures should not fall - 16 degrees Celsius - there is no upper limit.

The TUC has for years been pushing for a change in safety regulations to introduce a new maximum temperature of 30 degrees Celsius – or 27 degrees for those doing strenuous work – with employers obliged to adopt cooling measures when the workplace temperature hits a sweaty 24 degrees.

According to the TUC, employers can help their staff by allowing them to leave their more formal office attire at home when the temperature spikes. It says the most simple way for staff to keep cool inside when it's scorching outside is for them to be able to come to work in more casual clothing.

TUC adds that workers who are unable to dress in cool summer clothing and who work where there is no air-conditioning, fans or cold drinking water will feel lethargic, and lack inspiration and creativity.

TUC general secretary Frances O'Grady said this means leaving

workers to wilt is bad for productivity, adding: "It's no fun working in a baking office or factory and employers should do all they can to take the temperature down. Clearly vest tops and shorts are not suitable attire for all front line staff, but those not dealing with the public should be able to discard their tights, ties and suits." She said when temperatures rise, employers should "relax the dress code rules temporarily and allow their staff to dress down. Making sure that everyone has access to fans, portable air conditioning units and cold drinking water should help reduce the heat in offices, factories, shops, hospitals, schools and other workplaces across the country."

## HSE reporting report sidesteps the truth

An official analysis of work-related injury and ill-health reporting statistics is "of little use" because it asks the wrong questions, the TUC has said.

TUC head of safety Hugh Robertson said the report by the Health and Safety Executive's research wing, HSL, should have revealed important information on the impact of a dramatic reduction in reporting requirements forced through by the government as part of its drive to deregulate health and safety.

The changes included the shift away from a requirement on firms to report over-three day work-related absences, shifting instead to over-seven day absences. "At the time, unions claimed this move would be a mistake as the HSE would have far less information to help guide their inspection and prevention work. After all an employer with lots of over-3-day injuries is likely to have a big problem with health and safety," he said. The report is a "big disappointment" because "it

simply asks the wrong questions", concentrating on the use of RIDDOR as an indicator of injury related sickness absence. It doesn't even do this well, he said, as the methods used "may skew the data away from conditions leading to very long absences, or where the person does not return." RIDDOR was never intended to be a measure of sickness absence, he added – a job the Labour Force Survey does much better - but should inform HSE's inspection and prevention priorities. "Unfortunately there is no analysis of the impact of the changes on the HSE's intelligence gathering on prevention in the report, or of whether there has been an impact on employers, even though that is the most important question that should be asked about the change that the government introduced." Neither does the report examine under-reporting, despite unearthing deeply worrying reporting trends.

According to Robertson, it "shows that construction employers report only a third of the number of injuries compared to manufacturing, and half that of 'government administration'. Energy, waste and recycling is even worse. In terms of what the unions in these sectors see this is of course nonsense." Alarmingly, a passing reference in the report does reveal that HSE now investigates only 6 per cent of even those non-fatal injuries that are reported. (cont...)

The TUC safety specialist concluded: "The questions about what effect the reduction in reporting has had needs to be answered. After all the last government forced it through as part of its deregulatory agenda. If they are so convinced that the change was a good thing, why are they not looking for the proof? Perhaps, because they know what the answer will be."

### Government takes a swipe at safety reps

The Government's Trade Union Bill will damage more than productivity and civil liberties, it could put our lives at risk at work, the TUC has warned.

The union body said the Bill includes measures that could dramatically curtail the time available to union safety reps to perform their functions and get trained.

According to TUC head of safety Hugh Robertson: "In the case of health and safety representatives of course, there is a legal duty on the employer to give them as much paid time off as they need to undertake their activities... That is laid down in regulation. It is absolute. The regulations do not say that the employer can decide to restrict this time. If a representative needs it, they need it, and it will vary from week to week."

But the TUC safety expert warned: "The Trade Union Bill does two things. Firstly it says that any public sector employer who has at least one union health and safety representative, will have to record and publish all the time taken and any facilities provided. This is bureaucratic, pointless and will just mean that both employers and union representatives will have to spend a lot of time on paperwork. However, even more dangerous,

is the proposal to allow ministers to restrict the rights to time off given to union health and safety representatives by amending the Health and Safety at Work Act. All they have to do is introduce new regulations. This is a really vindictive proposal, and of course an underhand one - sneaking in the right to make changes by Statutory Instrument into a much wider Bill." He added: "At no time have the Government given any justification for this proposal. As our report 'The Union Effect' shows, union health and safety representatives save hundreds of lives and prevent tens of thousands of injuries and illnesses. Workplaces with union representatives and a joint safety committee have half the serious injury rate of those without. Any reasonable employer welcomes the presence of health and safety representatives, including most in the public sector. That is why this move makes absolutely no sense from a regulatory point of view. It will not save money or remove bureaucracy, nor will it improve safety. It is simply an ideologically-led knee-jerk reaction."

### Admin worker broke her leg and lost her job

A prison administrative worker has received a £125,000 payout after a slip at work left her with a broken leg and lasting mental health problems.

The PCS member, identified only as Julie, was working in a Young Offenders Institution in Dorset when she slipped on spilt liquid in front of inmates when walking to her office. She fell heavily and fractured her leg and was rushed for immediate orthopaedic surgery.

As a result of the injury, she was unable to walk and had to sleep downstairs in her home for seven months. After a second round of

surgery to her leg, Julie is able to walk and move more freely.

However, she has been left with a debilitating phobia of falling on wet surfaces, which has had a lasting impact on her life including her independence and ability to work. She said: "The experience of falling in a prison in front of inmates was humiliating and I felt really vulnerable. I am now afraid of leaving the house on wet days in case I fall again. I've had to leave my job because of my phobia of falling and am struggling to find a new job."

Phil Madelin, PCS legal officer, said: "Employers must ensure they have proper policies and, crucially, enough resources in place to avoid these kinds of accident, which in Julie's case had devastating consequences and means she is unlikely to work again."

The logo for the TUC (Trades Union Congress) is located on the right side of the page. It consists of the letters 'TUC' in a bold, black, sans-serif font, with a stylized diamond pattern to the right of the 'C'.

## Mick predicts

Mick here; last summer I predicted a very hot spell in early July, followed by an unseasonal cool and windy spell of weather.

So you might ask; what do I predict for Autumn?

Here goes. Early Autumn will be warmer than average; there will then be strong winds/storms late October, and finally heavy snow end of November/early December.

You read it here first, with Mick predicts



There's not much more I enjoy doing on a Sunday afternoon than watching the Formula 1, a few beers and a nice lunch. So I thought that a quiz for petrol heads was needed.

Here are my high speed questions:

**Question 1**

Which make of car did Nigel Mansell drive to win the 1992 F1 World Driver's Championship. Was it?

a) Ferrari    b) Lotus    c) Red Bull    d) McLaren    e) Williams

**Question 2**

Which driver has won the most number of F1 World Driver's Championships. Is it?

a) Juan Manuel Fangio    b) Michael Schumacher  
c) Sebastian Vettel    d) Alain Prost  
e) Ayrton Senna

**Question 3**

Which racecourse was the venue for British Grand Prix. Was it

a) Aintree    b) Haydock Park    c) Kempton  
d) Goodwood    e) Cheltenham

**Question 4**

Who played Pete Aron in the 1966 film Grand Prix. Was it "James"?

a) Corden    b) Garner    c) Caan    d) Spader    e) Fox

**Question 5**

Which car won its only F1 constructors' championship in 2009. Was it?

a) Brawn    b) Benetton    c) BRM    d) Brabham    e) Mercedes

**Question 6**

Who was the first British driver to win the F1 World Driver's Championship? Was it?

a) Jim Clark    b) John Surtees    c) Graham Hill  
d) Mike Hawthorn    e) Damon Hill

Please send your answers together with your name and details to Duncan Griffiths, Room A208R, Warbreck (or e-mail Duncan Griffiths – details in the GAL) to arrive no later than 21<sup>st</sup> August 2015.

The winner will receive a mystery prize. Please remember that only members of the Fylde Central Benefits and Services Branch, excluding Branch Executive Committee can enter the quiz.

And, don't think it is all about fossil fuel, I watch Formula E too!

*Lee*

