

Health and Safety and Organising

A guide for reps



Contents

Introduction	1
1. Health and safety and organising	2
2. Organising in your workplace	5
Unionised workplaces	
Non-unionised workplaces	
3. Using health and safety to recruit members	9
4. Workplace representation	13
Organising checklist	
Workplace mapping	
Body mapping	
Hazard mapping	
Using the maps	
5. Safety representatives and safety committees	21
Health and safety representatives	
Health and safety committees	
6. Going beyond the minimum	28
Roving safety representatives	
Union Inspection Notices	
Further action	

Introduction

An effective union needs two things: the first is a strong membership within the workplace; the second is high membership involvement. By encouraging members to participate, much more can be achieved than if members expect the union to 'sort things out'.

This resource is designed to help you achieve more members and a more active membership, with a greater number of health and safety representatives. It will make you more effective on the ground – where real gains can be made – and help create a greater culture of safety in your workplace.

You can do this by:

- + involving members in identifying issues, finding solutions and dealing with problems
- + increasing the number of confident, trained health and safety representatives who are representative of the workplace they come from
- + dealing with problems early, when they are manageable, rather than leaving them to get worse
- + improving negotiating strength.

We know that union health and safety representatives make a difference in the workplace: those with union representatives and joint safety committees have half the major injury rate of those without.

Health and safety is one of the main reasons that people join a trade union. Over two million people have an injury or illness that was caused or made worse from work and more than 28 million working days are lost every year as a result of work-related injuries and ill health. The HSE estimates the cost of injuries and ill health from current working conditions to be £14.2bn, but of course the human cost is much greater.

There is a lot to be done and, of course, if there are a number of union representatives in your workplace you can work together to get the most out of any organising campaigning.

This guide contains a number of different sections that can be used together, or individual ones may be of particular use to your needs and situation.

Health and safety and organising

Despite health and safety being a prime activity for unions, and one of the major reasons why workers want unions in their workplace, it is all too often seen as a specialist area and sometimes separate from other union activities. But union activists can use health and safety as a tool in a campaign for union recognition in workplaces where there is little union presence, as well as to develop more new activists and grow the union in already organised workplaces.

WHY HEALTH AND SAFETY?

In many ways, workplace health and safety is no different from other issues that unions fight for, like better wages, benefits and respect. In fact, an ultimate measure of dignity and respect on the job is the degree to which workers are provided with a work environment that will not rob them of their health, their limbs or their lives. In an organising campaign, it all comes down to whether this is an issue around which you can involve the workers.

That means picking issues that are relevant, and winnable. In addition, many employers are more interested in engaging with unions on issues such as health and safety than they are on many other issues, and areas such as well-being can also give us a way to involve the workforce and engage with the employer in a positive way.

The law on health and safety is also often helpful to us as there is a legal requirement on employers to consult with the workforce, and we should use that where we can.

To recruit and retain members you need to be on top of any problems in your workplace, but it is not enough to sit and wait for members to come to you. As a union representative you will often find situations where workers:

- + think these problems are just part of the job
- + are hardened to the jobs, even when aspects are uncomfortable or even painful
- + are not aware of the harmful health or safety effects of particular workplace hazards
- + think they have no control over health and safety
- + think it isn't possible to change the work environment to get rid of health and safety hazards
- + are concerned that they could lose their job if they raise safety issues with management.

Health and safety is not just about the traditional work hazards such as chemical exposure, work at heights or unsafe equipment. These are very important but most of the health problems that people are likely to experience come from how their work or workload is managed and how their workplace is designed. Over 70 per cent of work-related sickness absence is caused not by injuries but by the problems of back pain, repetitive strain injuries and stress and these should never be accepted as 'just part of the job'. Something can be done about them, and it is the role of the union to see that something is.

Many of the strategies and techniques used in this resource can be used to develop and motivate activists around health and safety issues in both unionised and non-unionised workplaces.

WHAT MAKES HEALTH AND SAFETY SUCH A GOOD ORGANISING ISSUE?

There are six very strong reasons why unions should be using health and safety to develop trade unionism in the workplace. Health and safety issues:

- + **Are winnable.** Most experienced union health and safety representatives will have achieved some successes. Often these have been significant and may well have stopped people being injured or made ill.
- + **Are widely felt and deeply felt.** Workers often care about health and safety. It affects everyone in a workplace.
- + **Are easy to understand.** Workers experience health and safety problems firsthand. For far too many, it's part of their everyday experience.
- + **Give workers a sense of their own power.** Health and safety is an area in which, given the right issues, all workers can get actively involved and bring about results for themselves. Collective action and power demonstrate how effective a union can be.
- + **Send a message to the employer** that workers will not just put up with whatever they say.
- + **Make a difference.** Union health and safety representatives save lives and stop workers becoming ill or injured.

UNIONS IN ACTION

SOME EXAMPLES OF USING HEALTH AND SAFETY TO RECRUIT MEMBERS

- + A UNISON branch issued 'stress balls' to workers in one office where there was a low union membership. A week later they put round an email to all the staff and said that if they felt they needed to use a stress ball then they probably had a problem with stress. Squeezing a ball was not going to make it go away, but joining a union might.
- + The teaching union NASUWT issued cheap plastic thermometers to teachers in schools where there was a high temperature problem, along with advice that, if the temperature got over a certain level, they should get in touch with the union.
- + Usdaw targeted workers in a large supermarket chain where there was a problem with violence and abuse from customers. Its Freedom from Fear campaign, which called on the employer to take action against anyone who abused staff, struck a chord with many non-members, who then joined the union.



02

Organising in your workplace

Regardless of what kind of workplace you work in, the key to organising is teamwork.

You must work with other representatives in your union and with other activists to create a one-team' approach, with everyone working together and maintaining clear communications with each other. In unionised workplaces it will be stewards, health and safety representatives, green or equality representatives and union learning representatives: in non-unionised workplaces, it will be anyone who has any involvement or interest in building a union in the workplace, including possibly anyone from the union who is helping to support the organising campaign.

You also need to use electronic communication (email and texts) to keep in touch with other representatives or activists (especially useful for lone representatives who are geographically isolated). You can ensure that people know what the union is doing through easy access to the union's social media (Twitter and Facebook) messaging or by reading the TUC's online publications **Risks** and **Hazards** to find out about the latest developments in health and safety and what other unions are doing.

Unionised workplaces

Most union activists already work in unionised workplaces where there are other members and the union is recognised by the employer.

It's usually much easier to develop an active union presence in a unionised than in a non-unionised workplace. Unionised workplaces, though, can present their own set of problems such as large numbers of non-union members, few activists and passive or ineffective union branches. But one clear benefit that a union can demonstrate to current and potential members is the presence of a trained trade union appointed health and safety representative who receives ongoing support from the union.

In a unionised workplace, one of the first things that you can do is to map the workplace to find out who works where, who is a member, where your activists are and whether they are trained. Making an audit of the current situation will identify where there should be recruitment priorities and may also provide ideas to promote health and safety in areas without effective representation and to encourage potential activists to become safety representatives.

See section 4 for more information on workplace mapping.

Remember that the aim is to get workers to become active themselves and not to 'leave it to the union'. After all, a union *is* its members.

Non-unionised workplaces

This is not a guide to gaining recognition in a workplace; your union can give you advice and support on that. This resource does, however, provide guidance on using health and safety to support any wider organising campaign.

When first attempting to organise a workplace, it can be easy to neglect health and safety issues, especially when jobs are at risk or where there is dissatisfaction about wage levels, hours of work or other contractual arrangements and oppressive management practices. In all such cases, it might prove very difficult to successfully raise these issues; but progress on health and safety can be rapid – making it a very effective recruiting tool.

If you decide that you want to start recruiting union members in a workplace where there is no union we would recommend that you first speak to a full-time officer of your union just to make sure that there is not an existing union, or existing members you may not know about. They may also be able to provide advice and support.

If you do go ahead then the first step is making contact. Any organising campaign needs to be assisted by people who know the workplace and the problems, rather than strangers standing outside leafleting. You may already know of people who have approached the union asking to join. In other cases you may decide that you want to try to recruit members in other workplaces that are part of the same employer or who work for different employers but in the same sector as yours.

Sometimes you could even try to recruit people who work for other employers in the same building as you work in.

These contacts are a major asset in using health and safety as an organising tool and they need investing in to ensure they have the appropriate support. This may include training but, most importantly, they should have one-to-one contact with someone representing the union.

Having developed contacts within the workplace, you or a group of people, including ones from inside the workplace, should carry out a health and safety mapping exercise to identify the company's and the union's strengths and weaknesses in this area.

There are a number of questions you can ask as part of your mapping exercise to establish potential levers to influence the employer.

- + What are the main problems facing the workers? Have there been any injuries or a patterns of illness that people are concerned about?
- + Does the union have the appropriate information about the nature of hazards that workers in that sector face and access to expertise on what should be done to control or eliminate them?
- + Has the company been the subject of enforcement action by the Health and Safety Executive or another relevant body? You can find all prosecutions and enforcement notices at hse.gov.uk/enforce/databases.htm
- + Does the employer trade upon its own good health and safety record or is it part of any scheme such as Investors in People or any health and safety charter or pledge schemes that mean that it should be taking action to address health or safety issues?
- + Is there a safety committee with workers involved in it? If yes, are they trained and do they have the support of the other workers? If no, how does the employer consult the workers?

Remember that, even though there is no union, the employer is required under the Health and Safety (Consultation with Employees) Regulations 1996 to establish a means of informing and consulting with their employees on health and safety issues. The employer should be asked how it is doing that. If there is no recognised union, it has to be either with every worker individually or through 'representatives of workers safety'.

If there is any form of safety representative system in place or a safety committee, this could give you the opportunity to influence the discussions staff have with their employer by trying to ensure that those selected/elected as worker representatives are potential union activists. Having people working on the inside is always best.

If there is a safety committee established by the employer, and possibly controlled by the employer, the aim would be to turn it into a committee on which union members, or union-supported activists, can dominate the discussions and influence workplace policy. This may be a key element in building the union presence in the workplace prior to negotiations for recognition.

There will be circumstances where the employer has not initiated a consultation process of any kind. You will then have to work with your contacts within the workplace to see how the employer can be made to comply with their legal obligations. This is all with the view to getting either union members or union-supported representatives into key effective positions in the target workplace

so that other workers can see the benefits of union membership. It is also about getting members active to improve union density and therefore the effectiveness of the union.

One very useful way of showing how effective the union is in non-unionised workplaces is to offer members the opportunity to call on a union official to represent them in any health and safety grievances, even though the union is not recognised. Often procedures do allow for a person be accompanied by a friend during grievance meetings.

Once you have a number of active members in the workplace, you should contact your union regional office for advice on seeking recognition.

UNIONS IN ACTION

A few years ago Unite Amicus was involved in an organising campaign at Gardners Books, a major book distribution company. The company employed around a thousand people in Eastbourne and had a relatively high turnover, low pay and poor conditions. Its main competitor was Amazon.

One organising issue concerned heat in the warehouse on hot days. It had no air-conditioning system and many of the fans were broken.

Rather than the union bringing an individual or collective grievance against the firm the union purchased 10 thermometers. Members were responsible for taking these into the warehouse, placing them in the hot spots and recording the temperature every two hours during the 24-hour operation. To do the union members had to find people on other shifts to help.

The monitoring system was linked to a reporting system that gave regular contact to a large group of members and activists. Previously there had been poor attendance at union meetings but this issue and the method of addressing it not only boosted membership and the activist base, but also gave members a purpose and reason to attend union meetings as they had something to report.

All the non-members who participated subsequently joined the union so his action boosted membership by around 200 and doubled the activist base from 7 to 14.

Using health and safety to recruit members

Union activists can use health and safety issues in campaigns to win the support of workers and demonstrate the value of unions in the fight to improve working conditions as a way of recruiting new members to the union.

The way that you try to recruit will depend on whether the union is recognised or not. It is much easier to recruit where the union is recognised and there are union health and safety representatives than in a workplace where there is no existing organisation and possibly a hostile management.

Below are suggested activities for incorporating health and safety into any organising drive. Most are intended to be used in a situation where the union is already recognised, but some can be used in the kind of wider campaigning activities that are outlined in section 2.

However, one thing to bear in mind is that of all the activities outlined in this section, the routine inspection is the most fundamental function that a union health and safety representative can carry out in terms of establishing and maintaining a union presence. It must always be a priority, however difficult it is.

- + Conduct a survey among the workers to identify hazards and develop an issues list for action.
- + Campaign on the main issues that concern your members. These might be temperature, stress, the threat of violence, manual handling, or something very specific. Check your union website or the TUC health and safety pages for information on the topic and some ideas. The HSE website has good information on hazards.
- + Find out if there are any past HSE or local authority inspections and citations at the workplace. This is very simple and you can find all prosecutions and enforcement notices at hse.gov.uk/enforce/databases.htm

- + Establish a union health and safety committee so that all the union health and safety representatives come together regularly. This should include representatives from any other unions that are recognised. Details of how to do this are in section 5.
- + Train workers on their health and safety legal rights and how to identify hazards in the workplace. This can often be done in short lunchtime meetings.
- + Provide regular newsletters or use noticeboards to keep members informed and to show non-members that the union is active on issues that are relevant to them.
- + Analyse injuries and illnesses occurring at the work site by having the organising committee or union health and safety committee request copies of accident report forms, provision of which is a legal requirement.
- + Find out what chemicals workers use and their exposure to them. Request the list of hazardous chemicals, safety data sheets, and worker exposure measurements. If you are a recognised union health and safety representative you have the right to this information.
- + Initiate group activities among workers to assert their rights by filing complaints on hazards, wearing badges highlighting workplace hazards and asking the HSE or local authority to inspect the workplace.
- + Click on the Health and Safety and Organising pages in the right-hand menu of the TUC website.

Unfortunately, employers are under no obligation to provide you with information such as injury statistics or safety data sheets if the union is not recognised and therefore the union does not have its own safety representatives in place. However, the employer is obliged to give information on hazards to employees and those who come into contact with their operations so identifying activists through one-to-ones and other organising activities is important.



UNIONS IN ACTION

UNITE ACTION ON HEALTH AND SAFETY:

SHARED WELLINGTON BOOTS

The action took place on a greenfield site in the Midlands – a new food factory employing 500 workers from a variety of nationalities. By talking one-to-one with the workers, the Unite organising team found that their main issue was having to share their rubber work boots. The incoming shift had to take over the boots of the outgoing shift! And, as if that wasn't enough, the boots leaked, and no personal lockers were provided. This was an issue that was widely and deeply felt.

What did the union do?

- + Flyers covering these issues were circulated in “all the languages we had knowledge of”.
- + The leaders then took around a petition calling on the employer to meet its duty to provide effective PPE and to provide lockers.
- + When the employer did not respond to this, or to requests from organisers for access to workers on the site, Unite organised a mass sign-up of members and more than 200 individual grievances were lodged.
- + The employer was given the choice of dealing with these grievances on an individual basis, which would have taken weeks, or collectively on the basis that it would grant recognition. The employer opted for recognition.
- + The employer agreed to remedy the issue of the boots, but bought inferior boots. This was soon picked up the newly elected representatives and representations were made. Eventually the employer had to replace the boots.
- + Unite followed up with another survey to monitor this.

CHECKLIST

CHECKLIST FOR USING HEALTH AND SAFETY TO RECRUIT AND ORGANISE

- ☐ Identify safety, health and welfare issues when mapping the workplace. This could be done through the use of surveys when engaging with both potential or existing members.
- ☐ Encourage workers to identify hazards and involve them in discussing potential solutions.
- ☐ Identify and/or encourage workers to put themselves forward as safety representatives.
- ☐ Seek to set up a health and safety committee if there is not already one.
- ☐ Identify a list of priority issues and try to get some early simple 'wins' to demonstrate that the trade union is a supportive resource in achieving improved health and safety.
- ☐ Make sure that all health and safety representatives are trained and have somewhere they can go to for information, reassurance and support. In this way, safety representatives will gain self-confidence, experience of workplace representation and the confidence to meet with management.
- ☐ Work with other union activists including stewards, equality representatives, green representatives and learning representatives. Success in progressing health and safety issues will develop confidence in the trade union to achieve success in other areas.
- ☐ Take up issues with management, whether or not the union is recognised. This will contribute to confidence-building between management and workers and their chosen trade union.
- ☐ Remember that in workplaces where there is a recognised trade union, people may not have joined because they have not been asked. This is especially the case with workers who work irregular hours, are part-time or work in isolated locations. In unorganised workplaces, people will join if they can see that there is a reason, and health and safety successes can be the big decider.

EVALUATION

Once you have run any type of campaign it is important to evaluate it. This does not have to be detailed but you should consider how effective the campaign has been, what it achieved and what you would do differently next time.

SHARING SUCCESS

If your campaign has been successful, don't keep it to yourself. Inform your union and, of course, make sure your members know.

04

Workplace representation

Before you start, get a picture of how well organised you are at the moment. The checklist below may help you highlight where your strengths and weaknesses are.

Organising checklist

Activity

Workplace representatives and branch coordination on health and safety.

From your own experience, answer each of the 11 questions as they apply to your workplace.

1	Have all health and safety representatives had training opportunities made available to them?	YES ☐	NO ☐
2	Are employers properly notified of all safety representative appointments?	YES ☐	NO ☐
3	Does every safety representative have a clear constituency that they cover?	YES ☐	NO ☐
4	Does every worker know who their health and safety representative is?	YES ☐	NO ☐
5	Have health and safety representatives been provided with the support they need to carry out their role?	YES ☐	NO ☐
6	Does your union branch have a health and safety officer or 'champion'?	YES ☐	NO ☐
7	Are you allowed sufficient time off to carry out your duties?	YES ☐	NO ☐

8	Does every health and safety representatives carry out regular inspections?	YES ☐	NO ☐
9	Does your branch regularly talk to health and safety representatives to find out if there are problems?	YES ☐	NO ☐
10	Does your union branch get regular reports on health and safety issues?	YES ☐	NO ☐
11	Are health and safety issues considered when bargaining issues such as reorganisations are discussed?	YES ☐	NO ☐

Workplace mapping

Mapping is a simple process to find out about a present situation and it is the key to any recruitment or organising campaign. In small workplaces it can be done on a piece of paper: where there are a number of existing union activists in a branch or workplace, it works best if you do it with other health and safety representatives.

MAPPING YOUR WORKPLACE

There are several ways of mapping a workplace (or group of workplaces if your branch covers more than one). How you do it will depend on the type of workplace, its size and its complexity. If the branch covers only one workplace the simplest option is to draw an actual map of the area. However, in other cases it may be easier to list all the workplaces and departments.

Make sure that, when filling in the maps, you not only record the number of health and safety representatives but also issues such as training, information and support.

Where the branch covers a geographical area, rather than just a workplace or group of workplaces, then another option is to have a geographical map of the area that is covered. You can then use stickers to indicate each workplace where members and potential members are based.

Remember that this is not intended to be a scientific survey but just a way of getting an overview of the level of organisation within the workplace or branch. As one of the reasons for doing this exercise is to identify those parts of the branch that are most likely to need attention, it may be that you have the least information for them.

Activity

Making a map or diagram of the workplaces your branch covers

Mapping is a way of showing where your members, potential members and health and safety representatives are. It will help show you where you need new health and safety representatives, and also will identify those areas where you should be targeting your energies.

Step 1

In a group, sketch out on flipchart paper an outline of the different sites and workplaces your branch covers. Keep it simple but also remember to include any areas where you do not currently have members. Also remember that some groups of workers may work from home rather than in a workplace.

Step 2

Using a different colour or symbol for each of the categories below, mark on your map the following information for each workplace, department or employer:

- + the approximate number of members in a union
- + the approximate number of potential members
- + the number of health and safety representatives.

Step 3

Mark those places where a safety or health issue has arisen in the last year. You can break this down by issue such as stress, chemicals, manual handling etc; if you do not have details just use a question mark.

EXAMPLE OF BRANCH MAPPING

Head office	Area Y office	Area X office
63 union members 14 non-members 3 health and safety representatives	31 union members 23 non-members 2 safety representatives	19 union members 3 non-members 0 safety representatives
Average involvement	High involvement	Low involvement

NEXT STEPS

Once you have mapped the workplace you will have an idea of what your priorities are:

- + **Recruiting new members.** You should find out what the health and safety problems they face are. That involves mapping the hazards. **Go to mapping the hazards below.**
- + **Recruiting new health and safety representatives or supporting the representatives you have?** **Go to the checklist for using health and safety to recruit and organise in section 3.**
- + **Improving how you work with the employer through safety committees?** **Go to safety committees in section 5.**

If you think all these are satisfactory, you could try to go beyond what the law requires.

Go to roving representatives and Union Improvement Notices in section 6.

UNIONS IN ACTION

The union Community ran a campaign to try to organise workers in betting shops.

Having just one staff member working all day in a betting shop had become common practice, particularly in smaller shops. Community mapped the structure of Ladbrokes betting shops to find out how small, isolated offices kept in touch and were included in the corporation. Community realised that Ladbrokes' own internal communication system could be used to wear down the company's resistance to doing away with all-day, lone working in their betting shops. The system could become a potentially useful means of internal communication for the union.

Ladbrokes has a 'Speak-up' programme that encourages staff to contact management, through email, with their suggestions. Having been engaged in a series of discussions and negotiations with Ladbrokes' management but getting nowhere, Community escalated the action by getting members to use 'Speak-up' on a particular day to complain about having to work alone. In fact, as the Ladbrokes betting shop community is a tight-knit one, non-members found out what was going on and called in as well. 'Speak-up' was flooded with calls, all on the topic of lone working.

Ladbrokes, if nothing else, is image-conscious. With this sort of direct action from the workforce, and with the union threatening to go public on the issue, management backed down and agreement was reached on doing away with lone working in the majority of circumstances, though recognising that on some occasions, such as staff sickness or absence for training, this may be unavoidable.

The result of this action by Community has meant that union members took action and found that they could do something themselves to improve their working conditions; it meant a greater awareness of the strength of the union and working together in the union; and it has meant more employees signing up because of the effective action.

MAPPING THE HAZARDS

Start by mapping what problems workers are having (body mapping), and then look at the causes (hazards mapping).

This is a way of involving all your members. It can often be done during a lunch break and, once people begin to do it, they often find it to be a real eye-opener as they realise that they are not alone.

Body mapping

Many health and safety activists use body and workplace maps to see how workers are injured in their workplaces now or how they are affected by what they did years ago.

Body mapping is participatory – and fun. It can be used where workers speak different languages or don't read well, and is a quick way to make sense of complex situations. Maps can show the different experiences of workers by age, seniority, job or gender.

Body maps can show the patterns of symptoms and the long-term effects of hazards: workplace maps give an overview that individuals do not have. You can use the two types of maps together to see the workplace in a new light.

The first step in a health or safety campaign is to find common problems – then the detective work to find the hazards behind the symptoms begins.

Activity

Step 1

Make a front and back outline of a body on a large sheet of paper.

Step 2

Decide what your questions are. Are you looking for aches and pains?

All the symptoms workers have now? Long-term effects, such as cancer, chronic pain or stress?

Do you want to see the effects by gender, age, job or seniority?

Step 3

Organise the participants into groups. If you want information by age, for example, divide them into groups based on that category. Give each group colored markers or sticky dots to mark their symptoms: one method uses red = aches and pains, green = where you feel stress, blue = other symptoms that may be work-related. To get the overall picture, get them to place their mark on the large body map.

Hazard mapping

You can also use mapping to identify the hazards behind the symptoms that show up on the body map.

Activity

Before making any kind of map, get the group of workers to discuss the following:

- + How is the work organised (e.g. number of workers, shifts, hours worked and breaks)?
- + What is the work process (how work is done, the tasks involved, the machines and tools used)?
- + What are the hazards (using the categories below)?
- + What complaints or symptoms show up in conversations?
- + What measures are being taken to prevent or reduce the hazards?
- + What else could or should be done?

Groups of workers then draw the layout of their workplace or work area. Be sure to include doors, windows, offices, washrooms, desks, machinery and equipment. The larger the map, the more detail you can have. Try to include the questionnaire information on the map without making it too cluttered.

Hazards are often divided into six categories:

- + safety (immediate causes of injuries)
- + physical (energy sources such as radiation, temperature, noise)
- + chemical (dusts, liquids, gases)
- + biological or communicable (infection, needlesticks, mould)
- + ergonomic (force, repetition, posture, design of control panels)
- + work organisation/psychosocial risks (things that cause stress such as long or odd work schedules, no discussion about the job, workload).

Draw a different large, coloured circle or shape to show each category of hazard. The number of workers who may be exposed to the hazard can be marked inside the circle, using sticky dots or some other format to show where individual people work.

UNIONS IN ACTION

Checkout staff in a supermarket had been raising concerns about their physical environment, including poorly maintained chairs, no chairs, no footrests, lack of rotation, too much standing, low temperatures and the checkout layout. They also reported suffering aches and pains in various parts of their body that they believed were linked to their work.

The union Unite produced a body map that was included in a health and safety resource pack for safety reps. The pack also provided instructions on how to carry out the survey; a members' guide explaining what Unite was doing and why; an HSE leaflet on ergonomics at work; and Unite health and safety information.

The survey was carried out across 22 stores and nearly 350 workers participated. Analysis of the results found that the top three concerns were back pain (76 per cent), neck pain (54 per cent) and wrist pain (46 per cent).

When this was presented to management they took notice and began talking to Unite about what could be done to reduce the problems.

Unite found that the survey was more effective as a visual survey rather than a conventional questionnaire, with more members participating, and the direct and personal contact from the safety representatives raised the profile of the union.

The survey also raised awareness among the members about health and safety and their job, which in turn encouraged them to raise health and safety concerns through the survey. Unite also reported that, as a result of the campaign, more members joined the union and more members volunteered as safety representatives.



Using the maps

The first question to ask after you've made any of these maps is 'What do you see?'. Look for patterns, and for things that don't fit the patterns.

Put together maps of work areas to get the overall picture of a workplace. Over time, come back to them to record new information or check on changes.

Use your imagination and creativity to make sure everyone's story is recorded – if they want it included. If you want to add even more information, you can use see-through plastic layers for separate categories of information or to represent the experiences of different groups.

What is hurting workers on the job? What symptoms, injuries and illnesses are workers experiencing? What and where are the hazards that are causing (or could cause) problems? How is on-the-job stress affecting workers' lives? How can unions involve members and develop strategies for solving health and safety problems?

Unions across the country and around the world are using mapping techniques to help answer these important questions. Mapping techniques provide a way for workers to use their own experiences to document workplace health and safety problems. These techniques are participatory methods by which workers gather and analyse their own knowledge and experiences. With the information gained, workers and unions can develop strategies to eliminate or reduce workplace hazards and to improve health and safety on the job.

Mapping techniques are effective because they:

- + involve workers
- + use visual images and do not rely on ability to read or write
- + get people thinking about their workplaces in a new way
- + give members ownership of the issues that are taken up by the union
- + show that workers are not alone, that the problems are collective problems
- + help point to collective solutions.

UNIONS IN ACTION

The rail union ASLEF appoints around 40-50 new health and safety representatives every year and all are offered training on how to hold simple body and risk mapping sessions. They are encouraged to use these methods as they are seen as a very good way to involve the membership in taking issues that affect them to management.

Safety representatives and safety committees

Health and safety representatives

The legal duties of employers in respect of union health and safety representatives in workplaces where the union is recognised by the employer are laid out in the Health and Safety Representatives and Safety Committees Regulations 1977 (SRSC Regs).

The key functions of a health and safety representative are:

- + representing workers in consultations with employers
- + investigating potential hazards and dangerous occurrences
- + examining the causes of accidents, dangerous occurrences and diseases
- + investigating complaints by members
- + making representations to the employer
- + carrying out workplace inspections
- + representing employees in consultations with inspectors
- + receiving information from inspectors
- + attending joint health and safety committee meetings.

Employers must establish a joint safety committee if requested to do so by two or more trade union health and safety representatives. In general, employers must make available to health and safety representatives all the information necessary to enable them to fulfil their functions.

Employers must provide any help and facilities reasonably required by health and safety representatives to carry out their functions. Union health and safety representatives must be provided with the necessary time off, with pay, to carry out their safety representative duties and to undergo TUC or union approved training.

These are minimum duties that the law places on employers. Many union health and safety representatives negotiate rights to facilities, information and time off that go well beyond the legal minimum; however, the core function of inspecting workplaces is one of the most important and it is that which unions should prioritise, as it helps establish a visible presence in the workplace.

Trade union health and safety representatives are protected from victimisation for any acts or omissions in their execution of their activities – the law gives health and safety representatives' the right to undertake their functions freely but does not place any duties on them. The duties are on the employer.

The Employment Rights Act 1996 says health and safety representatives have protection if they are unfairly treated or placed at a disadvantage in circumstances including:

- + raising health and safety concerns
- + carrying out designated health and safety functions.

Employees are protected for:

- + proposing to leave or actually leave their workplace or any dangerous part of it, or refuse to return, in the event of what they reasonably believe to be serious and imminent danger
- + proposing to take action to protect against a perceived serious or imminent danger.

The Public Interest Disclosure Act 1998 gives workers 'whistleblower' protection in a range of circumstances, including raising issues relating to health and safety.

In workplaces without union recognition, a watered-down version of the safety representatives' regulations apply – the Health and Safety (Consultation with Employees) Regulations 1996 (HSCE Regs). A similar regime covers those working offshore.

Safety representatives have a crucial role as workplace organisers. Their legal status gives them the opportunity to contact and talk to members and non-members alike. An active safety representative is the face of the union in the workplace that workers will see about the workplace on a regular basis. All branches need to ensure that safety representatives are aware of the organising agenda and realise how their position as a union safety rep can contribute to the organising campaign.

Activity

Identifying and developing health and safety representatives

Step 1

Think about the main obstacles to identifying and recruiting new health and safety representatives and write them down.

Step 2

Think about ways of overcoming these obstacles, including:

- + how the branch can support health and safety representatives
- + the role of health and safety representatives and how they relate to stewards, learning representatives and other union representatives
- + the expectations placed on health and safety representatives.

You should be trying to work out an approach to identify and develop one or more health and safety representatives in the situation described. Think about how good your branch or workplace representatives are in supporting other representatives. How could that be improved? Consider the kind of support you think health and safety representatives should realistically be able to expect from the branch, and the relationship that the safety representative should have with the members, and with stewards. Think about training, time off, access to information and other kinds of support. Identify what practical steps the branch can take to support health and safety representatives more effectively.

Identify the main potential areas for development by the branch, based on:

- + your workplace map
- + the practical steps you have identified
- + the particular issues that you think are faced by any groups of members.

Step 3

Decide which of these areas are most important. Write down what practical measures you or the branch could take to address these areas and recruit new health and safety representatives within your workplace. Make sure these are practical and achievable.

UNIONS IN ACTION

A 'dirty tricks' campaign by parcels company DHL, which attempted to derecognise the union, drew attention to serious safety shortcomings at the firm. A survey of GMB members revealed working time, welfare, vehicle ergonomics and personal protective equipment concerns. Union representatives became active around these safety issues, leading to an increase in rep numbers and increased confidence. GMB reports "a consolidation and growth in the membership".

Former GMB General Secretary Sir Paul Kenny said that health and safety is "an area where working people trust trade unions to deliver at both a national and a local level". He added that the union saw health and safety as a key organising and recruitment issue: "By demonstrating their rights to investigate, inspect and discuss health and safety concerns, GMB safety representatives can show the effectiveness of trade union membership and the benefits that arise from it."

CHECKLIST

- ☐ Map the workplace to identify where your health and safety representatives are – and where there are none.
- ☐ Ask members in areas without a health and safety representative to become a representative (use the activity on page 23).
- ☐ Make sure new representatives are trained and receive support and mentoring.

Health and safety committees

You will probably already have a safety committee covering your employer. If not, you should have one. Under the SRSC regulations, in union-recognised workplaces management must respond positively when two or more safety representatives ask management to establish a safety committee. It must be done within three months of the request.

The employer must consult with the health and safety representatives making the request and with representatives of any other recognised trade unions. They must also post a notice prominently, stating the composition of the committee and the work areas that it covers

The Health and Safety Executive's guidance states that working out the size, shape and terms of reference of a safety committee must depend on discussion and agreement with unions. Ideally these should be operated on a partnership approach, with management and unions having an equal place at the table and mutual arrangements being made on the chairing and servicing of the committee.

The role and objectives of a safety committee will depend on the nature of the workplace but will usually include:

- + analysing injury and illness trends
- + reviewing accident and inspection reports
- + developing safety rules
- + reviewing safety training
- + advising on safety communications and publications.

The Health and Safety Executive's guidance on composition of the committees recommends that:

- + they should be compact
- + there should be 50/50 management and union representation
- + safety advisers, doctors and other safety professionals should also sit on the committee, although only in an advisory capacity.

A senior person with managerial health and safety responsibility should also be present, and be named in the employer's health and safety policy as the person responsible. This person must have sufficient seniority and status to be able to represent the employer fully.

In some workplaces all health and safety representatives will sit on the safety committee; in others only some will. Other unions may also be represented. If several unions are represented, they should meet together before safety committee meetings to discuss the agenda.

The effectiveness of safety committees depends on how well they function and whether trade unions can actually negotiate improvements. A good safety committee will deal only with strategic and major issues, with day-to-day matters dealt with between health and safety representatives and their line managers.

Health and safety representatives should ensure their committees have the power to improve health and safety and are not used by employers just as a way of avoiding taking any action.

Health and safety representatives should not see the safety committee as the only way to raise issues with management. Although these committees are important, urgent issues must be dealt with immediately and not wait for a meeting of the safety committee.

The branch may also decide to raise some health and safety issues with the employers through the negotiating machinery, such as a joint consultative committee.

UNION HEALTH AND SAFETY COMMITTEES

Even where there is a joint health and safety committee it is useful to have a separate union committee where all the health and safety representatives in the workplace meet regularly to discuss issues and problems.

Where the union is not recognised it is sometimes possible to establish workers' health and safety committees to help the organising campaign with health and safety issues in an on-going and effective way. These are formed of activists that have been identified through individual contact or other organising activity.

Regardless of whether or not the union is recognised, a workers' health and safety committee has no legal status but is a useful way of getting people together to discuss issues and problems. Among the things it can do are:

- + identify current and potential health and safety hazards and problems
- + identify appropriate measures to eliminate or control hazards and problems
- + identify effective union strategies for raising health and safety issues as part of the overall organising campaign
- + assist in integrating health and safety issues into any overall organising strategy that is going on in the workplace
- + serve as the focal point for worker concerns about health and safety and building member involvement in the union's health and safety efforts.

With the above in mind, some of the specific activities that a workers' committee can undertake to accomplish these functions include:

- + surveying workers regarding their health and safety concerns as well as work-related symptoms, injuries, illnesses and stresses
- + conducting body mapping, hazards mapping and other activities for identifying and tracking hazards and their impacts on workers
- + conducting investigations of incidents, illnesses and near misses
- + accessing and regularly reviewing information on hazards, monitoring data, incident reports etc.

- + accessing and reviewing information on contemplated workplace changes for the presence of hazards; this would include reviewing plans for new equipment, new work processes, new technologies and work restructuring/changes in how work is organised to see if adjustments need to be made to assure that the change is safe and healthful for the workforce
- + engaging in regular communication with workers on health and safety issues
- + educating workers about particular health or safety issues and concerns
- + help select priority health and safety issues to raise during the organising campaign
- + assisting with the development of strategies for getting priority health and safety issues addressed
- + monitoring HSE complaints.

This advice is reproduced from the Australian Metal Workers Union's OHS Manual

- + Management has different goals, even enlightened management. They may care about safety in its own right, but are probably more concerned about workers compensation costs. And building the union is never one of the management's goals.
- + What you do with the company on health and safety is a form of collective bargaining. Even if you don't see it that way, they do.
- + Health and safety isn't a technical issue. Technical knowledge helps. But there are plenty of places to get technical information. Strategy and organisation are much more important.



Going beyond the minimum

The legal requirements are only a minimum. You should, in addition, consider extending and improving how you work above and beyond what the law allows.

This session is intended to get you thinking about ways of extending and improving health and safety representatives' rights.

There are two possibilities that you might want to consider discussing with your employer; they are roving safety representatives and Union Inspection Notices (UINs).

Roving safety representatives are useful where a branch has a lot of diverse employers, small workplaces, low union density or a significant number of contractors on site.

UINs are most useful where there is an active, trained and effective safety representative structure, but where management often ignores complaints.

Roving safety representatives

The Health and Safety Representatives and Safety Committee Regulations 1977 (Brown Book) states that "recognised trade unions may appoint health and safety representatives from among the employees in all cases where one or more employees are employed by an employer by whom it was recognised".

The guidance notes to the Regulations add: "Normally, recognised trade unions will appoint representatives to represent a group or groups of workers of a class for which the union has negotiating rights. The limitation of representation to a particular group or groups should not, however, be regarded as a hindrance to the raising by that representative of general matters affecting the health and safety of employees as a whole."

It adds: "Equally, these general principles do not preclude the possibility of a safety representative representing, by mutual agreement between the appropriate unions, more than one group or groups of employees (e.g. in a small workplace or within the organisation of a small employer when the number of recognised trade unions is high relative to the total numbers employed)."

Normally, a safety representative can act as a safety representative only for their employer and for those employees that union represents. There is an exemption made for some unions in the entertainment industry, but in other sectors some unions have succeeded in extending that right through negotiations.

UNIONS IN ACTION

Many unions have been successful in developing some form of roving safety representatives. Here are a few examples:

- + Several unions have got employers to agree that health and safety representatives can inspect areas of work where contractors are working, raise issues with the contractors, and discuss safety matters with the contractor's staff.
- + In the voluntary sector and schools where there are a number of small employers, unions have, in some cases, been able to negotiate that a safety representative covers a number of employers.
- + In one ambulance service, management has supported a scheme where 12 roving health and safety representatives cover all the ambulance stations in the area. Previously the policy had been to have one safety representative per station, but this had not been achievable in practice.
- + One branch reached agreement with its employer that health and safety representatives would be given time off to visit all locations, even those where there were no union members, and raise any concerns. While these health and safety representatives will not, of course, represent the employees on these sites, they have been able to recruit a significant number of them, and as a result some of these workplaces now have union health and safety representatives.

You should consider:

- + Are any of the examples above likely to be useful in your situation?
- + What problems could arise from introducing roving safety representatives?

If you want to negotiate for greater rights for health and safety representatives, you will need a plan for achieving that. You should consider:

- + What system or systems of roving health and safety representatives would you like to introduce in your workplace?
- + How are you going to raise this issue with your employer?
- + Who is going to do what?
- + What is the timetable for achieving this?

Union Inspection Notices (UINs)

A UIN is a formal notice issued to a manager by an accredited trade union safety representative. It registers that the employer is not complying with health and safety legislation in respect of an identified workplace hazard, describes the action that must be taken to comply with the law and specifies a date by which action must be taken. A UIN is not an enforcement notice: only statutory Health and Safety Inspectors (e.g. Health and Safety Executive Inspectors and Local Authority Environmental Health Officers) can take enforcement action against an employer in breach of health and safety law.

There is no right to issue a UIN nor, in law, is an employer explicitly required to respond, though the requirement to respond is certainly implied in the health and safety representatives' Regulations. However, branches can negotiate a voluntary system of UINs with their employer.

How do they work?

- + A UIN can be issued by a trained and accredited safety representative.
- + A UIN may be issued where a breach of health and safety law can be identified.
- + It is expected that use will be rare. It is not a substitute for normal inspections and negotiations.
- + A UIN may be issued to deal with a hazard that does not pose an imminent and serious risk to the health and safety of employees individually or collectively, and where other action has failed to get the problem resolved within a reasonable time.
- + A UIN may also be issued to deal with lower-level hazards that have been the subject of frequent complaints to the line manager, but where the manager has failed to take appropriate action.

It is important to emphasise that a UIN is not an appropriate way of dealing with very serious hazards that need immediate attention; in such cases advice should be sought from your union. However, the issuing of a UIN is significant: it is a sign that the normal machinery for resolving health and safety problems at work has failed.

Before issuing a UIN in relation to a hazard, the safety representative must be convinced of four things:

- + that there is a breach of health and safety law
- + that the breach has been brought to the attention of the employer in a proper manner through agreed channels
- + that the manager has failed to respond appropriately within a reasonable time
- + that the matter is not already the subject of enforcement action by HSE or local authority inspectors.

A draft UIN is shown on page 33.

Branches should ensure that they have agreed the wording of the UIN with their employer and that it is completed carefully. It should clearly identify the legislation that has been contravened, and be issued to the appropriate manager. The steps the manager should take to remedy the situation must be explained briefly but clearly.

The amount of time that the manager should have to respond to the UIN should also be specified in the agreement with the employer. While a 'reasonable' time is likely to depend on the nature of the hazard, it should not be less than seven days after the serving of the notice and, given that it may involve developing a policy or replacing equipment, it may be up to 28 days.

The agreement should also specify who the completed UIN should be delivered to.

A copy of the UIN should be posted in a prominent position within the workplace and drawn to the attention of affected employees. The safety representative should keep a copy of the UIN. In addition, a copy should be sent immediately to the branch health and safety officer.

The issuing of the UIN must be reported to the next meeting of the safety committee.

If the manager disputes the UIN and/or fails to take appropriate action within the designated time, there must be clear agreement about what steps the employer will take.

The agreement must specify what should happen if a manager does not respond to a UIN within the agreed period. There are various options, one of which is that the manager be subject to disciplinary action. In addition, where a manager does not respond or does not take effective action to remedy the breach, then a more senior manager and the employer's health and safety adviser should be asked to intervene within an agreed timetable.

If, after senior management has intervened, remedial action is still not taken, nor a timetable for remedial action agreed, the safety representative should raise the breach at the safety committee and/or notify the enforcing authority.

Remember that health and safety should be managed through a partnership approach, with health and safety representatives and employers working together using the local negotiating machinery to achieve change. If this fails, and legislation has been contravened, a UIN may then be appropriate.

If you think that UINs might be helpful in your workplace you should consider:

- + the training health and safety representatives would need to implement them
- + how managers can be persuaded to take them seriously
- + the problems that could arise from introducing a system of UINs
- + whether UINs would be a useful means of getting your employers to address major health and safety concerns.

The next step would be to negotiate UINs with your employer, which means:

- + drafting a claim, which would show how they would benefit not only worker safety but also management
- + deciding how you will raise the issue (through the joint negotiating machinery, the safety committee or directly with management)
- + working out a timetable for achieving UINs.

Further action

Many of the proposals in this guide may seem like good ideas and ones you will want to put into action. But remember that you cannot do everything at once.

You won't achieve anything if your ideas just remain in your head or as notes on a piece of paper, so you should:

- + set out a clear action plan with a timetable
- + set up a small working party that will oversee the implementation of the action plan and so you know who is responsible for what
- + make sure regular reports are given to the branch or safety committee
- + agree that everyone should come together again for an hour in, say, six months to review how far you have got.

Hopefully, the activities you have taken part in will have produced enough good ideas to allow you to make a real difference to the health and safety of your members.

Draft union inspection notice

To:

[Name of manager]

I

[Name of safety representative issuing the notice]

appointed as the safety representative by (name of union) under the Safety Representative & Safety Committee Regulations 1977 (SRSC), believe that you, as an employer, are contravening the following statutory provision(s):

[Identify Regulation(s) contravened]

The contravention is occurring at:

[Give address or area of the workplace]

The reason(s) for my opinion is/are as follows

The said contravention(s) or, as the case may be, the matters occasioning them, should be remedied by:

[Give date]

The following action should be taken:

[Signature of safety representative]

[Date]

Copied to branch health and safety officer, full-time union officer and employer's safety officer.



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January 2016

ISBN 978 1 85006 384 3

Designed by RIMA
Printed by Precision Printing