

Take notice!

Union Inspection Notices, launched exclusively by the TUC in this issue of *Hazards*, are a serious new resource in the trade union safety rep's tool kit. TUC wants safety reps nationwide serving notice on hazards at work. TUC Senior Policy Officer Owen Tudor explains how and why.

I know a lot of safety reps feel they are banging their heads against a brick wall when they raise health and safety problems. They aren't dealing with hostile employers – they wouldn't have safety reps if management was that anti-union, and at least a bit of hostility would give them something to fight against.

No, they're facing indifference, which is far more likely to lead to injuries and illnesses, and is far more frustrating.

Reps could give a XXXX

An Australian version of Union Inspection Notices, "provisional improvement notices" with some enforceable, legal status, has been a great success.

Several Australian states have given safety reps the legal right to serve a Provisional Improvement Notice (PIN) on their employer where they believe safety laws are being broken.

Typically, if the employer doesn't sort the issue out in about a month, a government safety inspector is called in. If the safety rep's notice is upheld, the employer is assumed to have ignored a formal HSE-style enforcement notice.

Sue Pennicuik, national health and safety officer of ACTU, Australia's TUC, told *Hazards* that the system works because reps use PINs judiciously.

"ACTU recently conducted a pilot national survey of reps, in which only around 7 per cent of reps in those states that have them report ever using a PIN," Pennicuik said. "This bears out the prevailing wisdom that PINs are only used by reps as a last resort."

The TUC has decided it's time to stop banging your head against that brick wall, and start getting things done.

With this issue of *Hazards*, we are launching a pilot Union Inspection Notice (see pages 16-21 for your pullout UIN guide and workplace poster).

The UIN kit also includes a model UIN, for safety reps to complete and serve on their employers when they think something is going seriously wrong and management has failed to respond to gentle reminders – "particularly when requested improvements after a health and safety inspection have not been implemented in a reasonable time scale," as a UNIFI safety rep put it.

British trade unions have been campaigning for Australian-style, union issued Provisional Improve-

ment Notices (PINs) for years, but when the Health and Safety Commission put the idea in a Discussion Document two years ago, employers said no. Undeterred, the TUC reworked the idea, agreeing to break the PINs demand down into three components:

- ◆ The serving of a formal notice – now being introduced as a UIN;
- ◆ The requirement on employers to respond – TUC will seek this as part of the forthcoming revised health and safety consultation regulations, due to be introduced in 2002; and
- ◆ getting Inspectors to take union notices into account when deciding on enforcement action.

One of TUC's reasons for calling the UK notices "UINs" rather than "PINs" is so that there is no confusion between this largely voluntary UK system and the official, Australian, legally sanctioned PIN system we want to see introduced here at a later stage.

UIN or HSE?

Employers should have nothing to fear from Union Inspection Notices.

Most of the safety reps who responded to two separate enquiries conducted for this issue of *Hazards* – one by the TUC through *Risks*, our weekly online bulletin, one by train drivers' union ASLEF – weren't claiming that their management was reckless about safety.

Often safety reps said they realised the managers they dealt with were constrained by lack of funding (especially in the public sector), the dominance of other business objectives such as profits or "key performance indicators," or by their own lack of competence and decision-making ability.

One ASLEF safety rep commented: "Managers and supervisors below a certain grade sometimes do not realise their health and safety responsibilities and tend to sit on them rather than be proactive."

A GMB safety rep said: "I have already used the GMB Hazard Report Sheets. I have found they are listened to by management because they are in writing and they are signed, timed and dated. In the space of two years I have issued only three and on those three occasions I found that the sheet was responded to straight away. It shouldn't have to be put in writing but unfortunately it has to be."

And a UNIFI safety rep said: "It offers the union safety rep and the employer

PIN win situation

AEEU safety rep John Kelly at BNFL Sellafield explored attitudes to Provisional Improvement Notices (PINs) among managers, unions and the HSE's Nuclear Installations Inspectorate (NII) as his project for the TUC Certificate in Occupational Health and Safety.

He reported that the union convenor had experienced several occasions when the NII had been called in, but "all of these could have been prevented if the safety rep had been allowed to issue a PIN."

John's project concluded that both managers and unions at BNFL could cite examples where if safety rep warnings had been observed, HSE enforcement action and even fines could have been avoided.



the chance to accept the discipline of partnership – agreeing what is reasonable behaviour.”

For some of the safety reps who contacted the TUC, Union Inspection Notices would benefit management by keeping the issue in-house, and making it less likely that the Inspectors would be called in.

One PCS safety rep said: “Normally we have to resort to a complaint to HSE and go through time consuming channels to try and obtain improvements. I believe that in the majority of cases [UINs] would save us having to go through the HSE.”

Another safety rep said: “I have on several occasions requested HSE help in representing us on safety issues and they help but they are so busy it makes sense to complement them with our input.”

An ASLEF rep said the system could be a boon for the country’s over-stretched Railway Inspectorate (HMRI), because UINs would “leave the HMRI as a very last resort – giving them more muscle.”

Notices add value

Apart from getting management to pay more attention, the main reason why safety reps seem to want the power to serve notices is preventive, acting as an early warning system for employers.

“Things need to be ‘nipped in the bud’ before more serious accidents occur,” commented a Musicians Union safety rep.

A rep from the Communication Workers’ Union (CWU) said: “Being able to serve notices ... will greatly encourage employers to take seriously highlighted problems ‘early on’ – thereby reducing the risk of actual accident ‘events’.”

If the worst happens, though, and an injury or illness does result from unremedied hazards a safety rep has highlighted in a Union Inspection Notice, that notice will be a valuable document in any subsequent prosecution or personal injury compensation case.

It is going to be difficult for managers to claim they couldn’t foresee an injury if one of their own employees

– and a safety rep to boot – has documentary evidence management had been warned.

A UNISON safety rep submitting evidence to the TUC said UINs could raise the status of the safety rep, not only with managers, but with members.

“The members themselves, who at the end of the day we are working for, can see that their representative doesn’t throw their problem to the back of their mind.” The notice would “prove to them that their views and problems are being taken care of.”

Where next?

The Union Inspection Notice initiative is a pilot scheme because we want to see how well it works and what, if anything, needs to be changed.

Early in 2002, the TUC will start delivering pilot UIN training courses for safety reps, and we will be surveying the safety reps receiving this training to collect further evidence on the usefulness of the Notices.

We’ll be looking at how many notices are issued, and whether safety reps feel that they have had an impact on safety standards and on employers’ attitudes.

UINs may be just one more tool in the safety reps’ toolbox. But they could well be the tool that makes managers sit up and take notice.

Brick walls, paper promises

Before it went ahead with Union Inspection Notices, TUC asked safety reps what they would like to see fixed.

“At times, talking to management about health and safety, you feel that you’re banging your head against a brick wall, and there is too much passing the buck down the line to other management.”

ASLEF safety rep.

“As a whole, the company is very good on health and safety issues. There is a directive from the main board of directors that health and safety is a number one priority. The only trouble is this does not always seem the case with local management.”

GPMM safety rep.

“The previous two safety reps in the workplace quit because the employer did not take their expressed concerns in any way seriously over a long period of time. I have only made headway by writing formal letters.”

CWU safety rep.

“I am a prison officer. You would think that as civil servants we would have a safety record second to none. I suppose on paper, or in the world of meetings and committees, we have.”

POA safety rep.

Resources for reps

The Hazards website has model Union Inspection Notices (UINs) to print off and use, UIN leaflets and a pdf version of the pullout-and-keep TUC UINs guide you get free with this issue. www.hazards.org/notices

Additional print copies of the Hazards/UINs pullout can be obtained from the TUC, single copies free with an SAE – bulk prices on request. From TUC Publications, Congress House, Great Russell Street, London WC1B 3LS.

Tel: 020 7636 4030.

