

SUPPORT@WORK

E Bulletin April 2007

Workplace Health and Safety

For any small to medium organisation the prospect of adhering to Health and Safety legislation and putting it into practice in the workplace can often seem a daunting prospect. Trade unions and our partner organisations believe that carrying out legal obligations, involving workers/volunteers and communicating regularly on health and safety matters are some of the core values of a safe and healthy working environment and a successful organisation.

Good health and safety systems also enable organisations to imbed best practice into their systems and can be a huge aid in attracting people to both work for and involve themselves in your organisation.

The Health and Safety Executive (HSE) on their website states that on their findings - trade unionised workplaces are safer than non-trade unionised workplaces with less accidents, lower ill-health symptoms in the workplace, healthier workplace morale and lower sickness/absence levels.

Support@Work H&S training session on May 10th, 10 am till 12.30 pm, at Capital City Partnership, 1-3 The Canon Mill, Edinburgh, EH3 5HE

This Support@Work training session will aim to assist small/medium organisations in their building of a safe and healthy workplace by looking at some key pieces of legislation (e.g. Risk Assessment – see below), showing ways of involving your staff in health and safety practice and sharing some best, good and bad practice from our experience.

The training session will be facilitated by Terry Anderson, a Support@work trainer and STUC Development Officer, Terry is also a former Worker Safety Adviser to the voluntary sector. Kathy Jenkins will also assist in the training session; Kathy is a workplace health specialist, a member of the Transport and General Workers Union (TGWU) and the secretary of the Scottish Hazards Campaign Group.

To register for this free event email your contact details to info-etuc@btconnect.com or call Karen on 0131 556 3006 or 7318. Names and registration will be confirmed on a first come-first served basis.

Risk Assessment

Risk assessment is one of the foundations of European best practice on occupational health and safety and is a legal requirement on all organisations in the U.K. The Management of Health and Safety at Work Regulations 1999 state that all organisations **MUST** carry out risk assessments and those with 5 or more employees **MUST** implement record and review their findings on a regular basis.

What does this mean and how do I go about reviewing risk assessment in my organisation?

The Health and Safety Executive (HSE) have laid down a simple formula for carrying out risk assessment called the 5 steps to risk assessment, the five steps are:

Identify the Hazards in your working environment.

Who might be harmed and how.

Evaluate the Risk and decide on precautions.

Implement your findings

Record and Review regularly.

H&S Jargon buster

A hazard is something that can cause harm
Harm e.g. physical wound or physiological/
emotional distress

Risk - what is the likelihood of harm taking
place and how serious might it be?

PLEASE NOTE: You cannot carry out a proper
risk assessment till you have accurately identi-
fied the hazards, specific risks and precautions;
this means consulting and involving your
workers/volunteers/employees in this process.

Fixed Term and Temporary Workers

Some employers still describe jobs as tem-
porary and assume that this term changes
the employment rights of employees. The
word 'temporary', as applied to a job, is
purely a description of the length of time
that a job is expected to last. The term has
no specific meaning in employment law in
terms of the rights of an employee.

In other words the length of a contract
does not affect, for example, a workers
rights to holiday pay, to notice if dismissed
or to written terms and conditions (if
someone is employed for more than two
months). Support@work recently deliv-
ered training to college students who all
had jobs to earn money. Nearly half the
students had not received written terms
and conditions although they had worked
more than two months. Some of the stu-
dents thought that they were not entitled
to written terms and conditions because
they were 'temporary' workers. This is not
correct.

Discrimination against 'temporary' work-
ers was outlawed when the Government
introduced the ' Fixed Term Employees (
Prevention of Less Favourable Treatment)

Regulations in 2002.

In these Regulations a fixed term worker
was defined as someone who does ' sea-
sonal' or 'casual' work , someone who
works on a fixed term contract to cover for
maternity, parental, paternity, or sick leave;
employees hired to cover for peak de-
mand; employees whose contracts will ex-
pire when a specific task is complete eg
painting a house, running a training
course or carrying out specific research.
Any worker employed through a grant (
annual or otherwise) is defined as a fixed
term worker.

A person employed as a seasonal worker (
for example, over the summer) is pro-
tected by the Fixed Term Employees Regu-
lations. As a result Anti Discrimination
rights protect all employees from the first
day of employment.

**A recent Employment Tribunal case re-
vealed that some employers, including
major employers have policies and rules
that provide for lesser terms and condi-
tions for ' temporary' employees. Such
policies should have been amended to
eliminate discrimination when the Regu-
lations above came into affect in 2002 but
this did not happen. Some employers are
still operating these policies which are
out of date and not compliant with
current legislation.**

*Give support@work a ring or email
if you have any queries regarding
these regulations: 0131 556 3006 or
info@etuc.org.uk. We would like to
know if any of your clients are being
offered any ' temporary' work and
what they are told this means for
their contract of employment.*