

Enough is enough



NO
to violence
at work



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Transport and General Workers' Union

T&G Health and Safety News

Transport and General Workers' Union – **the fighting back union**

'NO TO VIOLENCE' POSTER back page

No 6 Winter 2006

Message from the General Secretary **Tony Woodley**

Challenging violence at work

The BDC last year condemned violence and bullying in the workplace and called on the T&G to campaign on this issue.

T&G members in many workplaces have to face violence on a daily basis. Bus and metro drivers, retail staff, commercial lorry drivers, care workers, voluntary sector, housing, health service and local government workers, casino workers and pub and club workers, and university and other security staff are just some examples of members' jobs where violence can be a serious health and safety hazard. Women and people who work alone may be at particular risk. And the evidence is that this problem is growing. Violence at work may lead to physical

injury and also psychological injury, such as stress – which is itself one of the fastest growing occupational health problems in Europe.

Respecting people at work is central to health, safety and welfare, and good employment practice. We can use health and safety law to act now to help make our workplaces free from violence. Read on for T&G guidance and a new poster.

Share your successes and concerns: we can work together to make 2006 the year we achieve significant workplace improvements by challenging violence at work.

NEWS

Action Mesothelioma Day 27 February 2006. The British Lung Foundation, working with others including, NGOs and asbestos victims' groups, will run a series of media and other events. A petition will be presented to 10 Downing street demanding better care and treatment, better protection for employees, and more funding for research. Sign the petition on line and get more information from <http://www.lunguk.org>

Hazards conference Don't forget to keep your diary clear for Hazards, which is back at Manchester University 14-16 July 2006. Booking forms available soon.

A Sustainable Energy Policy for the UK: a TUC/CBI/Carbon Trust Conference. 28 February 2006 at TUC Congress House, London. More information from Penny Morley pmorley@tgwu.org.uk tel 0207 611 2569.

Workers' Memorial Day 28 April 2006. This year's theme is *Union Workplaces – Safer Workplaces!* If you are planning an event, tell your union so we can publicise it on your website – and with the TUC! The T&G will be producing a new poster to mark the day. More information from Susan Murray.

North-West Migrant Workers' Institute

The T&G is central to this initiative which was launched at Transport House in Salford on 16 December 2005. The T&G will help to fund a project worker for the first 6 months and longer term funding will be sought for

- the collation and promotion of "best practice" in the employment of migrant workers – including specific work on health and safety, the promotion of positive recruitment practices, support for flexible ESOL courses, decent partnerships with employment agencies, etc;

- the provision of a region-wide reference point for support and services available to migrant workers and their communities;
- the identification of specific training needs amongst migrant workers, whilst also helping to identify opportunities to optimise skills already available within migrant worker communities and, at the same time, using our experiences to identify upskilling opportunities more generally within the North West economy; and
- the delivery of information and education on these themes to employers, migrant workers and their communities, existing workforces, the general public and any other relevant agencies.

- **More information** from Dave McCall, Regional Secretary, Region 6
- T&G Migrant Workers' Care Xpress Legal Helpline 0800 028 2133

T&G tackling workplace violence

What is violence at work?

The HSE definition (also adopted by the TUC) is “Any incident in which an employee is abused, threatened or assaulted in circumstances relating to

their work”. So this will include both verbal and physical abuse.

What should employers be doing?

Employers have duties under health

and safety law to protect members from violence at work. See box opposite for the law. T&G safety reps can use the law to take action against workplace violence.

T&G safety rep’s action checklist

- ✓ Does your employer recognise that violence is a workplace problem, and a health and safety issue?
- ✓ Is your employer aware of HSE guidance on violence and are they consulting you about how this may apply in your workplace?
- ✓ Are issues such as protecting workers from stalkers or domestic violence considered?
Is there a reporting system in place that everyone is aware of (including contract or agency workers, visitors to the premises)?
- ✓ Use the system to report all violent incidents and any concerns to management in writing, and keep a copy.
- ✓ Is information about reported incidents made available to safety representatives and is it analysed?
- ✓ Raise awareness yourself: display this newsletter and collect other materials for your notice boards (see below for sources of information).
- ✓ Conduct a confidential survey to find out if violence is a problem amongst T&G members.
- ✓ Consider using risk mapping techniques as part of this process (see below)
- ✓ Ensure that you exercise your rights to be consulted and involved on risk assessments. Your employer should be working with you as with any other workplace health and safety issue to assess the risks of violence to their staff.
- ✓ Taking steps to prevent or minimise violence or provide protection from violence ensure that violent incidents are recorded and reported and the victim of the violence receives appropriate support.
- ✓ What steps has your employer taken to seek advice about violence eg from the police, crime prevention officer and are you consulted about this?
- ✓ Has each location (including places where workers may be away from their base) been properly assessed?

What preventive measures are in place?

Note: measures will depend on the individual workplace needs as identified by risk assessment and should always be the subject of consultation with staff.

- Fitting panic alarms at the workplace
- Fitting security screens
- Providing personal alarms
- Employing security staff
- Ensuring staffing levels are sufficient/reducing working times
- Making arrangements for lone workers and staff working in the community to enable them to keep in contact easily
- Ensuring that isolated working is avoided if at all possible
- Where it is necessary to identify staff working with the public what steps are taken to protect staff eg

limiting the name label to a first name only?

- Providing suitable training for all staff including part-timers
- Ensuring that junior or experienced staff are not left alone
- Designing workplace and public areas to minimise tensions
- Improving security eg in car parks, grounds etc
- Providing support for staff who have to deal with awkward or difficult clients or service users
- Home visits: consider measures to be taken to protect staff
- Ensuring all incidents are reported to the employer, and to the police if appropriate.

Negotiate a preventing violence policy as part of your health and safety policy with your employer which could include:

- Full consultation with safety representatives
- Making it clear that violence is not “just part of the job”
- Investigation of risk areas and groups
- Effective reporting procedures and making sure that all staff are aware of these and do report incidents
- Workplace design and safer working environments
- Staffing levels/working hours/shifts
- Information and training
- Counselling and support provision as appropriate for workers affected by violent incidents
- A sympathetic approach to sickness absence caused by violence at work
- Monitoring the effectiveness of preventive measures and ensuring the the policy is reviewed regularly.

Health and Safety Law

Health and Safety at Work etc Act 1974

Employers have a legal duty to ensure the health, safety and welfare at work of their employees. This would include taking steps to prevent them being exposed to violent customers or clients.

Safety Representatives and Safety Committees Regulations 1977

These apply to workplaces where the T&G is recognised. There are other regulations which apply in non-recognised workplaces or to workers who are not in a trade union. The employer must consult workers. T&G safety representatives are entitled to be consulted and represent members’ views on violence at work.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995

Employers must notify the enforcing authority (HSE or EHO) in the event of an accident or incident at work resulting in death, major injury or incapacity for normal work for three or more days. This includes any act of non-consensual violence done to a person at work.

Management of Health and Safety at Work Regulations 1999

Employers must assess and address the risk to employees and make arrangements for their health and safety. Risk assessments must where appropriate include the need to protect employees from exposure to violence. The employer should provide information and training about tackling violence at work.

Compensation

Civil Claims

In some cases, it may be possible for a member to bring a civil claim for compensation for injuries at work arising from violence – physical and/or psychological. This may be against their employer, and possibly the perpetrator depending on the circumstances. The member has to show that the employer was at fault and that the injury was foreseeable. Such claims are difficult to win, but they should be investigated. Strict time limits – usually 3 years – apply to civil claims. But time limits may vary depending on the circumstances so members must be referred for advice from Union solicitors without delay in all cases.

Criminal Injuries

Compensation Claims

If members are injured as a result of a criminal assault, they can apply to the Criminal Injuries Compensation

Authority. The incident should have been reported to the police. There is a strict 2 year time limit for such claims which normally starts to run from the date of the incident.

Members must be referred to Union solicitors for advice without delay in all cases.

Share your information and successes

The T&G is involved in HSE committees – public sector and public transport – which are investigating violence in the workplace and are interested in examples of good practice. For more information contact Susan Murray.

More Information

T&G Safety Rep’s Handbook

Available from Central Office and your Regional Office

TUC: Hazards at Work (new edition 2005) Chapter 41 Violence; Chapter 39 Stress.

Hazards magazine factsheets: No 79 Victimisation; No 70 Psychoterror; No 65 Violence at work; Nos 60, 61 and 75 on body and workplace mapping www.hazards.org

Victim Support: an independent charity which helps people cope with the effects of crime. Helpline telephone numbers: UK (including Northern Ireland) 0845 3030900 Scotland 0845 6039213 Ireland 1850 661 771 HSE work-related violence webpages www.hse.gov.uk/violence include downloadable information including leaflets, and case studies illustrating good practice HSE stress webpages www.hse.gov.uk/stress – a range of information and leaflets, including the Management Standards for stress at work. 611 2817 smurray@tgwu.org.uk For advice information and email updates.

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Important: the information published in this newsletter is for guidance only and is not a full statement of the law.

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