

# Scottish Hazards

**Healthy, Safe & Fair Work for All**

**- using health & safety to influence fair work**



**May 2018**

# Healthy, Safe & Fair Work for All

## Introduction

Scottish Hazards, through its Hazards Centre, provides information, advice and support to individual workers and groups of workers in Scotland who have inadequate access to Occupational Health and Safety expertise (non-unionised workers and workers in precarious employment). We also campaign for improved worker health and safety throughout Scotland and join with others internationally to campaign for improved working conditions throughout the world. We are a Scottish Charity (SC044785) and an active member of the Partnership for Health and Safety in Scotland.

Scottish Hazards welcomed the establishment of the Fair Work Convention as a clear indication of the Scottish Government's commitment to improving the quality, safety and security of work in Scotland. We welcome the Framework and its emphasis on the importance of worker involvement, trade unions and partnership.

However, many workers are often disenfranchised from trade union membership for genuine reasons, such as working for an anti-trade union employer, where implied and sometimes explicit threats to jobs and financial security of individuals wishing to be part of a trade union, either individually or collectively prevent people from enjoying the benefits of trade union membership and collective bargaining. Others may choose not to join because they already enjoy the benefits of collectively agreed workplace policies and terms and conditions. A position that quite often backfires when things go wrong, they require representation and they have nowhere to go.

Scottish Hazards continues to support the concept of fair work but believe that substantial investment by the Scottish Government and Local Authorities will be required if we are to achieve the laudable ambition of having a successful, growing economy with fair work as its foundation by 2025.

### ***Effective Voice***

Scottish Hazards agrees with the Framework emphasis on Effective Voice and endorse the positive steps described to achieve this. However, workers in non-unionised workplaces, particularly those from disadvantaged groups, can have little voice in the workplace; and those workers can be unwilling to speak out about working conditions.

First, we are building the Scottish Hazards Centre which gives information, advice and support to these voiceless workers: those who are non-unionised, those in precarious employment, those from disadvantaged groups. There is good evidence that such advice and support can lead to development of effective voice and improvements in working conditions.

Through our work, we know that many workers will not or cannot speak out and history shows that those who do speak out can suffer significant detriment for doing so.

Perhaps the most significant example of this is in relation to blacklisting of health and safety reps in the construction industry for seeking to assert their rights and raise health and safety concerns with their employers. Their reward; their name was added to a blacklist, most notably the one owned by the Consulting Association, and work became extremely hard if not impossible to find.

A similar, if less formal, practice operated in the offshore industry through workers being told they were not required back (NRB) for raising health and safety issues in a high hazard industry, equally harsh working environments and ageing offshore assets that have outlived their expected life span.

Workers in health and social care have also suffered for trying to raise concerns about quality of care and in December the Scottish Government announced the formation of an Independent National Whistle Blower Officer within the Public Services Ombudsman Office to help make it easier for NHS staff to raise care quality concerns.

Clearly the trade union voice is by far the most effective mechanism for fighting such injustice in the workplace but that same voice can also be used to positive effect to make our workplaces healthier and safer.

The work of trade union safety representatives is perhaps the best example of what an effective employee voice can do to represent members, collectively and individually, and make tangible difference in the way employers look after the health, safety and welfare of their workforce.

Under the Safety Representatives and Safety Committee's Regulations (1977) health and safety reps enjoy rights that no other union rep has. The right to carry out workplace inspections and investigate accidents make a real difference and workers in unionised workplaces with active safety reps are less likely to be injured or made ill by work.

A TUC report on health and safety reps<sup>i</sup> found that

- workers where trade union representatives are present are 24% less likely to suffer a workplace injury

- a 2013 study of 31 industrialised countries and concluded that Union density is the most important external determinant of workplace psychosocial safety climate, health and GDP and “eroding unionism may not be good for worker health or the economy either”.
- a report carried out by the UK Government in concluded that safety reps at 2004 prices saved society between £181m and £578m each year because of lost time reduction from occupational injuries and work-related illnesses of between 286,000 and 616,000 days
- in 2016, a further analysis of figures from the Workplace Employment Relations Survey calculated the savings delivered by unions across the economy fell in a range between £476m and £1,250m at 2014 prices. Prevention of workplace injuries and work-related ill-health contributed over half of the overall union-related savings (£219m £725m a year).
- a report by the Ontario Workplace Health and Safety Agency found “78-79% of unionised workplaces reported high compliance with health and safety legislation with only 54-61% of nonunionised workplaces reporting such compliance”
- safety representatives have also been shown to have a major effect in changing the safety culture in Australia, and unionised workplaces in Australian are three times more likely to have a Safety Committee, and twice as likely to have undergone a management safety audit in the previous year than non-unionised workplaces.

The positive effect of health and safety reps is recognised across the globe, but Scottish Hazards believes that greater emphasis needs to be placed on the benefit their work has on the economy and public health spending.

### ***Opportunity***

Scottish Hazards believes that for all workers to have access to positive opportunities will require change in employer’s attitude.

They need to recognise the ability of individuals and not their disability, impairment or any other protected characteristic.

Fair work, through developing more effective employee voice, may well have a positive impact on opportunity in the workplace, but Scottish Hazards feels that in parallel due recognition must be given to the harm caused to workers by draconian workplace policies such as performance improvement and sickness absence management. It is currently far too easy to dismiss workers on the grounds of capability. Innovative actions are required, with positive workforce planning the way forward to a fair work economy.

Scandinavian countries have been adopting an approach for four decades that focuses on functional capacity of workers at different stages of their working lives with jobs and career paths designed to meet the capabilities of ageing workers. This is backed up by state sponsored occupational health services that are far in advance of the UK. Denmark has regional occupational health centres accessible to all. In the United Kingdom, only 1/3<sup>rd</sup> of workers have access to any occupational health service and a much smaller number to what would be defined as good, comprehensive services. Workers no longer capable of doing their normal role are too easily dispensed with and access to employer sponsored occupational health is rightly viewed with suspicion.

In Denmark trade union health and safety reps have similar rights to those in the United Kingdom. However certain accredited health and safety reps, mainly but not solely trade union full time officials, can visit any workplace where that trade union has members.

The STUC and most affiliates have called for legislation in the United Kingdom to introduce roving safety reps in the United Kingdom, but the absence of social partnership and positive dialogue coupled with

political ideology that champions exploitative employment practices, at the expense of workers' rights makes this an uphill challenge that is likely to be unachievable in the current UK climate.

However, even under current rules more could be made of the skills union reps bring to the workplace, particularly in job retention and rehabilitation, not just health and safety reps, but also equality and learning reps to provide a holistic in work support service.

### ***Security***

Scottish Hazards would like to see the link between poor and insecure work and ill health emphasised much more prominently. The evidence is very clear. Reducing work related ill health would be a substantial, concrete and achievable step toward reducing inequalities in health in Scotland.

NHS Health Scotland estimate around 430,000 people in Scotland remain in poverty while remaining in work, many of the factors contributing to in work poverty are similar those that are contributing to increasing levels of work related stress:

- job security
- the physical work environment
- the demands of the job and job control
- the design of the job (including shift work)
- the balance of power between workers and the employer.

Key to lifting workers out of poverty employment is to ensure those in these jobs have access to skills development and retraining as well as the in-work support mentioned under opportunity above. This would be where learning reps could provide expertise in helping to improve everyday skills such as literacy and numeracy as well as supporting those with learning difficulties such as dyslexia to access secure employment.

## ***Respect***

Scottish Hazards supports the emphasis placed on health and safety in this dimension and the importance of promoting dignity at work and tackling stress, violence and aggression, bullying and harassment.

We continue to be concerned regarding the lack of external support available when things go wrong at work and things tend to go wrong in workplaces where workers are not respected, where they have unfulfilling jobs, with little security, no opportunity and nobody to represent the workers.

Work related stress and mental health and their potential causal factors such as victimisation, violence, aggression, bullying and harassment remain the key priorities for trade union health and safety representatives, as reported in the most recent biennial survey of reps published in 2016<sup>ii</sup>.

Scottish Hazards believes workplaces where workers are not respected are more likely to be work environments not conducive to good mental health and, indeed, may be breeding grounds for working conditions that expose workers to deteriorating mental health, sometimes with tragic consequences.

We note the recent Scottish Government engagement exercise on themes and draft actions for possible inclusion in the new suicide prevention action plan did not make any link to fair work, an opportunity missed at this point but an omission that will hopefully be included in the final action plan.

Suicide Prevention Australia published a strategy position on work and suicide<sup>iii</sup>, a comprehensive document in which they call for employers to recognise the workplace factors that may impact on an



individual's mental health with the potential for increasing suicidal thoughts in the individual, and the steps to be taken to remove or reduce exposure to these risks.

Scottish Hazards notes the similarity between suggested actions in this report and the dimensions identified by the Fair Work Convention as being necessary to embed fair work as the driver for economic success. We believe tackling the significant human cost of work related stress is vital to delivering fair work, of course economic benefits will flow back to employers and Government as a result.

Sadly, despite tools being able to manage the causes of stress in the workplace such as Health Working Lives "Work Positive" assessment tool<sup>iv</sup> and the HSE's Stress Management Standards<sup>v</sup> not enough is done to protect workers from stress and the serious mental ill health that can be caused by not doing so.

The lack of enthusiasm by employers is, we believe linked to an unwillingness by the HSE to carry out workplace inspections on stress and the work environments that lead to health and safety cultures developing that cultivate mentally unhealthy and disrespectful workplaces.

Scottish Hazards see opportunities through fair work to promote stress risk assessments and provide employers with assistance to undertake either of the assessments identified above.

Not providing workers with an effective employee voice is, we believe, disrespectful and an opportunity missed by employers who, for whatever reason, do not recognise trade unions or respect the work they do.

We believe that Scottish Hazards is ideally placed to work with trade unions to develop and promote respectful workplaces by tackling some of the issues referred to in the first paragraph above.

### ***Fulfilment***

Any work that endangers the health, safety, well-being and financial security of workers cannot be fulfilling work.

In common with other dimensions of fair work, job design in many UK workplaces is so inflexible and employment policies so draconian that genuinely fulfilling work often eludes those who could benefit most.

Fulfilling work reduces the risk of work related and general ill health as workers exposed to poor work tend to have lower immune systems and as a result more susceptible to common illnesses. Employers providing unfulfilling work are therefore more likely to incur increased sickness absence cost, be more exposed to the prospect of personal injury litigation and suffer reputational damage as a result.

Individuals holding jobs that provide fulfilment will not only be happy in their working lives they will generally be more confident, display higher motivation, be more inclined to participate in lifelong learning for personal and professional development and be more positive in personal relationships and friendships.

The challenge for delivering fair work for all is to provide more fulfilling employment opportunities and help individuals in poor work access learning and development opportunities, including improving everyday skills such as literacy and numeracy, to help them move into fairer work opportunities. Trade union organisation provides the best opportunity to create the work environments that deliver fulfilling work. Scottish Hazards working with unions can engage with

non-unionised private and 3<sup>rd</sup> sector employers to help them develop fair work strategies using and safety as the catalyst for change.

## **Conclusion**

Employers have to be encouraged and supported to modernise attitudes towards the employment relationship. It is no longer accepted that ‘all work is good for you’ and most authorities and academics accept that benefits to health and personal wellbeing can only be achieved by people having access to good work.

The pressures of the modern workplace and work environments mean that it is no longer possible to compartmentalise work and personal life. In the past employers would often attempt to place the responsibility for worker ill-health on the employee without looking closer to home and the impact the work they were providing had on the health of their workforce.

Fair work requires employers to recognise the organisational benefits of adopting a new approach to industrial relations where developing, retaining and valuing workers is at the heart of the company ethos. Employers should be happy to open their workplaces to scrutiny in an open and transparent way, without fear of retribution and allow unions reps and others to speak to workers to seek their views and perceptions of their employer’s fair work record.

The Fair Work Convention has provided examples of fair work workplaces but we need to ensure organisations held up as fair work employers continue to meet and strive to improve the standards that justified initial inclusion in the examples of good practice on the Fair Work Convention website<sup>vi</sup>.

Scottish Hazards believes that there are opportunities for organisations, unions, the HSE and Healthy Working Lives to work with these fair work employers and others to start to influence management attitude and behaviours that will be preventing them from sharing the success that fair work brings.

For fair work to be successful in relation to health and safety Scottish Hazards believes that the Fair Work Directorate should consider the following;

- carrying out research into the positive impact an effective collective trade union employee voice in Scotland has on the economy, delivering effective public services and positive industrial relations in our public sector. This could perhaps be linked to wider work on the cost to the economy of occupational ill health.
- developing a long-term strategy for occupational health services delivered by the NHS, services that are more likely to be seen as independent and trusted by those requiring access to them
- work with trade unions to ensure all employers implement the stress management standards and investigate opportunities to access supply chain companies through public procurement to deliver work on managing stress
- what can be done within the powers of the Scottish Parliament do protect all workers who raise health and safety or public health concerns regarding their work
- how public-sector employers, trade unions and organisations like Scottish Hazards can work together to develop effective voice mechanisms for supply chain companies
- working with trade unions, and hopefully employers to develop in work support services that support individuals to remain in, or return to work after a period of absence or unemployment,

focusing on the functional capacity of the worker and not the lack of capability to carry out certain work tasks.

- ensure that public policy consultations and decisions where there is significant workplace focus such as suicide prevention give due consideration to the concept of fair work, and its individual dimensions.

## **Scottish Hazards May2018**

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<sup>i</sup> [https://www.tuc.org.uk/sites/default/files/Union%20effect%202015%20%28pdf%29\\_0.pdf](https://www.tuc.org.uk/sites/default/files/Union%20effect%202015%20%28pdf%29_0.pdf)

<sup>ii</sup> <https://www.tuc.org.uk/sites/default/files/focusonhealthsafetyreport.pdf>

<sup>iii</sup> <https://www.suicidepreventionaust.org/sites/default/files/resources/2016/Work-and-Suicide-Prevention-FINAL%5B1%5D.pdf>

<sup>iv</sup> <https://surveys.healthyworkinglives.com/workPositive/whatIsWorkPositive.asp>

<sup>v</sup> <http://www.hse.gov.uk/stress/standards/>

<sup>vi</sup> <http://www.fairworkconvention.scot/casestudies.php>