Scottish Hazards 17th Annual Conference
9th November 2017

From Grenfell to Brexit
the Human Cost of Deregulation

Conference Report
Foreword

Our 17th Annual Scottish Hazards Conference brought together over 70 health and safety activists, including many trade union health and safety representatives, TUC tutors, students and others with an interest in making Scottish workplaces safer, fairer and healthier for all. The Conference came towards the end of a year of celebration to mark the 40th anniversary of the Safety Representatives and Safety Committees Regulations, legislation that has, without doubt, proved effective in reducing occupational injuries, work related disease and ill health.

That celebration, however, is muted by the continuing attacks on our regulatory system by the Conservative Government, austerity cuts to those who enforce our health and safety laws and the frontline emergency services who, day in and day out, put themselves at risk to protect citizens from harm in communities across the United Kingdom.

The impact of ideological deregulation was evidenced by all on 14 June this year when fire broke out in Grenfell Tower in London, killing 77 people; that final figure just confirmed over 5 months since the tragedy occurred.

Regulations are laws implemented to protect people, in the workplace and in their homes, not kill them, yet the Conservative Government fail to see this, choosing to undermine the importance of regulation at every opportunity.

Our conference - From Grenfell to Brexit: The Human Cost of Deregulation - provided the platform for debate on a wide range of issues as outlined in this report.

Scottish Hazards hope you find this report useful and hopefully encourages attendance at next year’s event. Meanwhile if you wish to contact us please feel free to drop us an e-mail at info@scottishhazards.org

Scott Donohoe
Chair, Scottish Hazards

[Website links and social media handles]

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Introduction

From Grenfell to Brexit, the human cost of deregulation was, in many ways, an easy theme to choose for this conference as it was important for Scottish Hazards to hold an event that examined the tragic consequences of the regulatory race to the bottom.

Grenfell, a tragedy that should never have happened in any community, but it did and in one of the wealthiest parts of London.

The London Borough of Kensington and Chelsea may include some of the wealthiest households in the United Kingdom, but it also has some of the poorest with wealth inequality within the borough staggering. The poorest are most likely to be the victims of deregulation in the workplace and in our communities, those who have no voice or where they do, they are not sure how to use it effectively.

Brexit continues to be of great concern to Scottish Hazards and our trade union supporters. Most of our health and safety legislation has been driven by Europe and the hard Brexit being favoured by Brexiteers as well as Prime Minister Theresa May will open the door for further attacks on our health and safety legislation, laws viewed as a burden by those who seek to control and exploit the means of production, but as vital protection to those whose aim is to protect labour.

Scottish Hazards’ aim is to provide that voice for workers disenfranchised from trade union membership and collective bargaining in the workplace and in our communities.

Our conference agenda was designed to raise wider awareness of the threat to workers and citizens posed by deregulation, develop our thinking on effective fighting back against attacks on worker protections as well as hearing experiences from trade union reps and how we can support their unions’ health and safety campaigns.

From Grenfell to Brexit: the human cost of deregulation

The conference started with a panel discussion, centred on the conference theme, setting the scene for the discussion in following sessions and the workshops in the afternoon.

Denise Christie, FBU Scottish Executive Member and now FBU Regional Secretary; Dr Adam Marks, Senior Policy Adviser to Alyn Smith, MEP and Lewis Macdonald, MSP, Deputy Convenor of the Scottish Parliament Committee on Culture, Tourism, Europe and External Relations participated in the discussion, sharing thoughts on the tragic consequences of poor regulation and concerns for the
future, a future where ideological deregulators are unfettered from the well-established checks and balances provided by European driven regulation.

Denise Christie spoke about the role of firefighters throughout the United Kingdom. While most of the public acknowledge their life saving role, fewer consider the extent to which firefighters put their own lives at risk to save others.

Conference heard of the attacks on firefighters by Government, seen as militant when they are defending their members and cuts to life saving services but grudgingly held up as heroes when things go wrong, as in Grenfell. They now must deal with such major incidents with fewer resources and less information on the incident to which they have been called.

Denise Christie said that, in the United Kingdom, we have a long history of constructing buildings to meet stringent building regulations, we have fire safety regulation that has been developed over decades; often introduced after tragedies like Grenfell, yet bizarrely in the 21st Century we had a high rise residential building that was clad in flammable material.

Only time and a public inquiry will hopefully reveal what led this tragedy, a catastrophe that has led to many firefighters needing to access counselling and support provided by their employers.

What has become clear is that there has been an abdication of responsibility by the Local Authority and the Conservative Government, the lack of support offered to victims’ families and survivors by both in the immediate aftermath and in the five months since the tragedy has been appalling. This dereliction may well backfire as the community starts to self-organise to provide a strong collective voice to challenge public policy makers and question every stage of, what will be undoubtedly, a long and protracted struggle for answers.

Dr Adam Marks provided an insightful view on Brexit and its implications, not only for UK citizens but also for those in the remaining 27 countries. For many migrant workers they will face challenges to remain, many are already returning to their homelands to less secure employment with less worker protections than they have here. The future for many ex-pats is equally insecure and after many years living, working and often retiring abroad they may no longer have access to health, social care and welfare systems that they have enjoyed free of charge as EU citizens.

All the alternative options available were outlined to conference;

- Staying within the single market would result in the United Kingdom committing to health and safety being regulated at European level.

- Becoming a member of the EEA, the Norwegian model would also result in existing and future health and safety regulation being driven by Europe.
• An overly bureaucratic Swiss model underpinned by one hundred bi-lateral treaties would also result in existing arrangements being retained; and

• The association route for countries such as the Ukraine wishing to join the EU, where accommodation on regulation is provided to encourage association, it is unlikely similar accommodation would be granted for those wishing to disassociate.

The Government continues to force hard Brexit on UK workers which will undoubtedly be the worst possible outcome for health and safety legislation. This should hardly be surprising given the Government’s opposition to employment protection legislation and this is the only option that allows for attacks on repatriated employment rights including those designed to protect health and safety in the workplace.

Lewis Macdonald MSP spoke about his work as Deputy Convenor of the Scottish Parliament Committee on Culture, Tourism, Europe and External Relations in relation to the ongoing Brexit negotiations, the impact of Brexit on Scotland as well as underlining the very real threat to our health and safety legislation posed by Brexit.

Lewis Macdonald stressed we have some of the best health and safety legislation in the world thanks to the Health and Safety at Work Act 1974 that provided the legislative framework to set up the Health and Safety Executive, the Health and Safety Commission and introduced tripartism into our health and safety system, with a greater role for trade unions in developing health and safety policy through representation on the Commission.

Lewis reminded delegates that European Directives have strengthened the rights of workers across Europe and the United Kingdom, no more so than in providing legislation such as the six pack regulations arising from the European Framework Directive on Health and Safety.

These regulations have become the toolkit for health and safety representatives and cover management of health, safety and welfare in the workplace, display screen equipment, manual handling, personal protection equipment and provision and use of work equipment.

While it may be that the protections afforded to workers under the six pack and other EU driven legislation such as the working hours directive will transfer into domestic legislation on our exit from Europe it is far too easy to imagine what will come after if we continue to have a Government that is ideologically opposed to regulation and trade unions and disregards everything they do to protect workers from harm.

Considering the considerable threat to our health and safety legislation post Brexit, there will be renewed debate in the trade union movement and elsewhere on devolving powers
over health and safety to Scotland as part of the Brexit domestic deal, a position Scottish Hazards supports.

Hazards

Our secretary Kathy Jenkins, who had been presented with the Hazards Silver Badge at the UK Hazards Conference at Keele University, received a further surprise when John Bamford from the Greater Manchester Hazards Centre took the opportunity at the Scottish Conference to present her with a certificate to mark the occasion. The well-deserved silver badge was awarded to Kathy to mark her involvement with the Hazards movement over many years in Scotland, UK, Europe and Asia.

Kathy went on to speak about her work abroad over the last year, including reporting on the recent conference held by the Asian Network for the Rights of Occupational and Environmental Victims in Kathmandu where she represented the UK and Europe. Work is to be done on establishing a Global Occupational Health and Safety Tribunal, where corporate crimes can be tried in front of a jury of victims, and International Workers’ Memorial Day 2018 is to be a huge focus for those campaigning for justice for the victims of Bhopal as 28 April 2018 is set to be the first AGM of the merged DowDuPont. We will be helping co-ordinate actions in Scotland.

Janet Newsham then gave us an overview of the work being done by UK Hazards, including the recent hugely successful once more annual conference held at Keele University, attended by more than 300 TU safety reps and activists. She issued a sponsorship appeal to branches for next year’s conference and also spoke about the multitude of other work being carried out, including presentations for TU conferences and seminars, work with the Greener Jobs Alliance, work to support the families of victims of work-related incidents by Families Against Corporate Killers, as well as the activity to ensure Theresa May and her government are held to account, and the clear message following Grenfell that enough is enough. Delegates undertook to send “We Love Red Tape” postcards to 10 Downing Street.

Scottish Hazards has been involved in supporting the work of trade union and community campaigns including Unite’s Back Home Safe Campaign and during conference it was suggested we look to support a campaign being developed by the GMB called “Breathing Space”, highlighting the dangers of workers being exposed to welding fumes.

Hazards continues to be an active participant in the Partnership for Health and Safety in Scotland (PHASS). As part of the Scottish Plan for Action on Safety and Health (SPLASH) we
are leading on initiatives to improve health and safety in health and social care, particularly in non-unionised voluntary sector care providers, engaging with employers and providing support, advice and representation to workers disenfranchised from trade union membership.

In Highland Council we are looking to take forward work with their trade unions and the authority to improve worker engagement in waste management and recycling, helping them identify health and safety concerns of both managers and staff and put in place initiatives to encourage collaboration to solve issues, creating safe and healthier workplaces for council workers and others in the supply chain.

Some of the community safety initiatives we have supported in the past year;

**Edinburgh Primary School Playgrounds**

Parents with concerns about the safety of Edinburgh primary school playgrounds were put in touch with us by Rory O’Neill, Editor of Hazards Magazine. These are natural playgrounds, made from rocks, wooden structures, etc. The parents had concerns about the design, build, inspection, maintenance and management of the playgrounds, and these were concerns we shared.

Over the course of the past year, we have instructed a playground inspector to conduct risk assessments for two playgrounds, and engaged with the Council seeking changes to make the playgrounds safer. While the Council have agreed to make a number of changes, we are currently considering what more we can do.

**Heriot Hill Housing Development**

Scottish Hazards were approached for our views on a private residential development in Edinburgh and concerns owners and occupants of neighbouring properties had in relation to fire safety, particularly around access and egress of fire appliances to the proposed development.

The development was at an advanced stage in the planning process, including having been examined by a Scottish Government reporter, so opportunity to influence decision makers was limited.

Following discussions with colleagues in the Fire Brigade Union we were able to provide a contact within Scottish Fire and Rescue for the residents to approach with their concerns over fire safety and accessibility for appliances.

**Wyndford Flats**

Residents in the Wyndford Flats, a social housing estate in Maryhill, Glasgow owned by Cube Housing Association contacted Hazards regarding ongoing refurbishment of bathrooms, incidents of flooding during and after work was carried out as well as potentially unsafe working practices by workers employed by the principal contractors, City Building and numerous sub-contractors.
It emerged all the fitters were on piece work and had targets in relation to the work being carried out, the usual cause of workers taking shorts cuts and adopting unsafe work practices in order not to compromise their bonus payments.

A further complication was that the housing association, Cube, had derecognised that democratically elected Wyndford Resident’s Association in favour of alternative consultation mechanisms.

Scottish Hazards engaged with political representatives regarding the issues raised and, at the time of writing, a meeting is being arranged between Cube Housing Association and the Wyndford Residents Association with a view to re-establishing working relationships moving forward.

Saying goodbye...

Scottish Hazards board member and NUJ Scottish Organiser was presented with a memento of his involvement with Hazards as he was shortly to take up a new position with the GMB in his native Liverpool. After over 40 years in Glasgow Paul will be sadly missed by all his colleagues in the NUJ in Scotland, NUJ Members and of course all his friends at Scottish Hazards.

Voices from the Shop Floor

Northern Ireland

We were very pleased to be joined by Ray Rafferty and Carmen Biagioni from Unison in Northern Ireland, who outlined the £400million pounds of cuts being implemented, the massive social inequalities which exist, and the challenging political climate.

Scottish Hazards had already been approached by other NI trade unionists for advice on establishing a Hazards network in Northern Ireland, and this is something we intend to continue to support in the year ahead.

Asbestos Removal Contractors

Billy McEwan, a member of the GMB and former Convenor at West Dunbartonshire Council spoke of his experience of the asbestos removal industry and his efforts to organise the workers.

In Scotland the industry is dominated by a few big players, Enviraz and Rhoddar probably being the biggest, with a huge number of smaller companies making up what is a growing market.
The work, understandably comes with significant risk if not managed properly and asbestos removal operatives are often under pressure to complete work within unrealistic timescales.

To become an operative an individual must undergo 3 days training to go onsite and work and train with more experienced colleagues. Industry bodies Asbestos Removal Contractors Association (ARCA) and the Asbestos Control and Abatement Division (ACAD) of the Thermal Control and Insulation Contractors Association both offer additional training to NVQ standard, but this is not mandatory yet.

As a result, there is little opportunity for personal development, skills levels are low, an autocratic management style appears to be common in the industry in the absence of trade union representation, the pay is low given the work they are undertaking, and the industry is based around individualism and not collectivism.

Scottish Hazards are now taking on the task of securing recognition for asbestos removal contractors and this is likely to a substantial task as operatives this far have been reluctant to engage with us.

*Unite Back Home Safe Campaign*

Representatives from Unite Offshore Branch had sent apologies as they were undergoing health and safety training.

Ian Tasker outlined the campaign Unite Offshore workers are mounting to stop Airbus Super Puma H225 and AS332 aircraft being reintroduced to transport offshore workers to platform in the UK Continental Shelf.

The aircraft, banned from flying since a fatal incident in the Norwegian Sector, has now been cleared by regulators to fly commercially again, and owners Airbus are obviously keen to have it reintroduced in the UK offshore industry.

The Chief Operating Officer made a point of flying to the Paris Air Show in a personal display of confidence in the aircraft, a hollow gesture that bears no comparison to the number of flying hours commercial aircraft must carry out in UK offshore operations.

So far 33 workers have lost their lives in incidents involving these aircraft, more have been injured and the aircraft have been involved in numerous return to base warning activations.

It will take more than hollow gestures for Unite members to set foot on Super Puma and their campaign included a [Unite Offshore lobby of the Scottish Parliament](http://www.uniteoffshore.net), the Scottish Parliament agreed...
that a return to North Sea operations is not appropriate at the moment. Scottish Hazards is supporting this campaign.

Conference Workshops

Four conference workshops were held on the following issues the ageing work force, fair work, fire safety and stress.

The conclusions from each of the workshop sessions follow but it was agreed that each provide challenge and opportunities for trade unions at the same time.

Ageing Workforce

Most workers in the United Kingdom face longer working lives and it was felt much more needs to be done to understand the impact forcing extended working lives on workers will have on their health and wellbeing.

Women are being particularly discriminated against and the work environment needs to change to prevent women forced to work longer from harm, particularly against risks arising from employers failing to understand menopause and wider women’s health in the workplace and the consequence of failing to manage such risks.

Linked to this and impacting on the ageing workforce is how the everchanging world of work interacts with the mental health of ageing workers. Employers need to do more to make reasonable adjustments to protect older workers from draconian workplace policies such as performance improvement or sickness absence management procedures. These policies and procedures often result in workers being dismissed without compensation just because employers fail to, or chose not to, understand that work needs to change to reflect the ageing workplace demographic.

More training is required for trade union reps and employers to challenge traditional thinking on workplace health and ageing. Lessons could be learned from Scandinavian countries where the concept of functional capacity, along with a more enlightened approach to occupational health developed over decades, results in the world of work adapting to meet the needs of the ageing worker.

Key messages from Ageing Workforce workshop:

- Employers will have to learn how to change job content to retain older workers; it is not right employers can dismiss on grounds of capability when an older worker may only be incapable of carrying out certain elements of their job.
- Increasing amount of older people, especially women will have to work longer. Less qualified and manual workers are likely to be harder hit as job content and employment policies conspire against such workers remaining in employment.
Older workers displaced through dismissal and/or redundancy will require tailored employability services to help them secure safe and healthy employment opportunities.

- There is no place in an economy based on fair work for draconian workplace policies as described above, particularly where they are used to discriminate against and ultimately used to dismiss older workers.
- Training needs to be developed for trade union reps and employers on the Ageing Workforce to include occupational health and safety, the impact the modern workplace has on ageing workers physical and mental health and how we create fair work for older people.

Unison – the ageing workforce; health and safety implications

Health and Safety Executive – Health and Safety for older workers
http://www.hse.gov.uk/vulnerable-workers/older-workers.htm

Fair Work

The Scottish Government vision of creating an economy with fair work at its foundation is commendable.

Even in some trade-unionised workplaces it was felt that employers often ignore employees’ collective voice and even where there are specific duties placed on employers to consult with workers or provide time off for trade union duties, such as the Safety Representatives and Safety Committees Regulations 1977, they often ignore their legal obligations. Delegates participating in the workshop felt that trade unions should challenge the amount of unfair work in Scotland, raise awareness of fair work with trade union activists and their role in promoting it and working with employers willing to engage with trade unions to become genuine fair work employers.

Fair work cannot be delivered while employers ignore their obligations to their workers, employers must move away from championing workplace practices such as resilience, initiatives that do not remove the workplace risk but only increase the capability of workers to cope with increased amount of pressure and stress.

The organisational and individual stressors are still there, often increasing, and the result, the ill health impact on workers, may well be the same, only delayed.

Fair work will only be achieved if we can witness significant change in the world of work, no employer in breach of health and safety or any employment legislation should ever be considered a fair work employer.
Key messages from the workshop on fair work;

- The concept of fair work is commendable and should be supported, however the message is not being communicated effectively
- All trade union reps, stewards, equality, learning as well as health and safety reps need more information and structured training on the Fair Work Framework and the concept of fair work
- Occupational health and safety stretches across all the dimensions of fair work, Scottish Hazards can support trade unions by developing work to highlight the need to get workplace health and safety right for fair work to be achievable
- Trade unions, supported by Scottish Hazards should focus on fighting unfair work, particularly within public sector supply chains and put pressure on public bodies to change behaviours of employers seeking public sector contracts

Fair Work Convention website
http://www.fairworkconvention.scot/

Fair Work Framework

**Workplace Stress**

Another issue that requires to be addressed is workplace stress and the continued growth of employers who create work environments with employment terms and conditions that lead to workers being placed under intolerable stress due to increased workloads, unrealistic demands and unachievable targets.

This has led to workplace stress and its causes being the key concerns for trade union health and safety representatives. Employers have been just as slow to implement the HSE Stress Management Standards as the HSE have been to ensure employers take steps to protect their workers from stress.

Workplace stressors make people ill; anxiety and other severe mental health conditions related to work are very real and can lead to individuals being stretched to the point that suicide seems the only way out.

Admittedly there is a growing recognition of workplace stress, however incidences are also growing, a stronger collective voice is needed to challenge employers who fail to support workers with poor mental health and who place workers’ mental health at risk.
Under the fair work/unfair work banner trade unions should be pushing for all employers to implement the stress management standards or other stress risk assessment tools such as Work Positive. Any campaign should be backed up by lobbying of all political parties to ensure the Scottish Parliament support stress free workplaces.

Key messages arising from managing stress workshop;

- Workplace stress is a very real issue, workers placed in stressful situations, (e.g. bullying, harassment, unmanageable workloads and targets) face increased risk of damage to their mental health potentially leading to anxiety, bipolar disorder, or in the worst cases work related suicide

- The HSE should investigate instances of suicide where the evidence suggests it is clear or there is reasonable doubt the suicide was related to work

- We cannot have an economy based on fair work if the increasing problem of work related stress is not addressed, the answer is not to make workers more resilient to the stressor, what is required is fairer, healthier and safer workplaces

- Trade unions and their health and safety reps have successfully campaigned to have stress treated seriously as an occupational health issue, collective action now must be focused on ensuring employers implement the HSE stress management standards or some other form of stress risk assessment

NUJ Stress webpage


Health and Safety Executive Stress Management Standards

http://www.hse.gov.uk/stress/standards/

NUJ health and safety film on stress, mental health and work-related suicide

https://youtu.be/9A8RvUuDB3A

STUC Frank Maguire Award for Health and Safety presented to NUJ Herald and Times Congress 2017

https://youtu.be/O414JgKjU8o

Fire Safety
The issue of fire safety is one that is often overlooked by workers, including health and safety reps, however it is an area underpinned by strong regulation, particularly so in Scotland.

It is also an area where prevention is key to preventing harm to workers and where the consequences of not managing fire safety properly may have tragic consequences.

The role of safety representatives is to learn the basics of fire safety management, prevention and containment by ensuring the employer has good management procedures in place, that they are adhered to by everyone and the rep has the confidence to call in fire enforcement officers when required.

Reps should also learn the importance of containment should a fire break out, hence the need to keep fire doors closed always; the more compartments within a building the longer fire will take to spread.

The key massages coming out of the fire safety workshop were;

- Reps should be trained in the importance of fire safety plans
- They should know how to carry out a fire safety risk assessment recognising that not all fire risks are immediately foreseeable
- Fire doors, properly operated are important in creating compartments within the workplace, left open they create risk of fire spreading far more quickly at greater risk to workers.
- Scottish Fire and Rescue enforcement officers are there to provide advice and support to reps and employers and can be called upon to act against employers if required.

Workplace fire safety risk assessments
https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments

HSE fire safety toolbox
http://www.hse.gov.uk/toolbox/fire.htm

Conclusion

The 17th Annual Scottish Hazards Conference sought to highlight the significant impact of deregulation and political ideology on our personal and working lives and how we need to challenge and fight back against the regulatory race to the bottom.
It was felt that all the contributions and the workshops succeeded in this objective and delegates were provided with insight into the concerns of politicians regarding Brexit and the potential for further attacks on health and safety regulation once European health and safety laws are repatriated to the United Kingdom.

Delegates left the Conference with further increased levels of knowledge, new ideas for workplace campaigns and action, and a renewed commitment to make their workplaces safer and healthier.

And finally ...

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Hazards is a vital resource for trade unions, their health and safety reps and everyone involved the Hazards movement.

Filled with articles and information on trade union safety campaigns, workplace health and safety, occupational disease and ill-health at home and abroad this is a must for every health and safety rep.

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