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Drugs in the Workplace

In December 04 the Forum, in partnership with the Health and Safety Laboratory, organised a seminar on 'Drugs in the Workplace'. The two speakers were Howard Mason, Principal Scientist from the Health and Safety Laboratory and Sean Bussey, Health and Safety Officer from UCATT Yorkshire. After the two presentations a group discussion took place. Below are some points taken from the seminar.

Howard Mason said that there are lots of companies at present trying to sell drugs testing services. In the US about 80% of companies undertake workplace drug testing. This is a ridiculously high amount, Howard believes that the UK should not follow this American model and that testing should be reserved for the safety critical sectors.

The definition Howard prefers is substance addiction and addictive behaviour. Substance abuse is the term used to describe the use of an illegal drug, legitimately prescribed drug, alcohol and chemical that caused physical, behavioural or psychological impairment. There is very little research on the impact of illegal drugs at work in the UK and research in general of the impact of substance abuse at work is needed. Alcohol is a larger problem than illegal drugs. Howard went through some of the warning signs for adults e.g. frequent absences, visiting toilets excessively, unreliable work performance, impaired memory, complaints from colleagues, etc. The workplace is not immune for social problems and often acute short term problems trigger substance abuse such as bereavement or family breakdowns.

Howard went on to say "workplace drugs testing is an appalling way to identify substance abuse at work" as there are other more obvious signs that substance abuse may be occurring. Implementing a

workplace drug policy was strongly recommended by Howard. A best practice policy would: apply to all; encourage an ethos to maintain a healthy and productive workplace; not condone misuse; offers help to employees with a problem; and will not tolerate use of substances on premises. The policy is "not about weeding people out - it's about trying to help people with their problems". The policy should make clear the lines of action to take when issues arise, e.g. contacts for treatment (Piccadilly Project and the Bridge Project in Bradford). Workplace drug testing is not a necessary part of a workplace substance abuse policy but if the firm is involved in safety critical services such as transport and the nuclear industry it is much more of a necessity. Testing may involve: pre-employment testing, random testing and due-cause testing - after an incidence or due to abnormal behaviour.

Sean Bussey spoke next, about his personal experience of working for a company that undertook workplace drugs testing. Sean said "there was no credibility to the testing" as there appeared to be a division between those tested and those not tested (management). The testing did not help with Health and Safety issues at the company and issues of trust arose. The arguments for drug testing at work are that there are benefits for safety, efficiency, an organisations reputation and employee welfare. Sean believes the vast amount of money needed to carry out full scale work place drugs testing takes away much needed resources which could be better spent on other Health and Safety concerns.

Continued overleaf..



Celebrating 10 years of the Forum

One of the strongest themes to emerge from evidence heard by the IIDTW (Independent Inquiry into Drug Testing at Work) over an 18 month period is that good all-round management is the most effective method for achieving higher productivity, enhanced safety, low absentee rates, low staff turnover and a reliable and responsible workforce. For the majority of businesses, investment in management training and systems is likely to have a more beneficial impact on safety, performance and productivity than the introduction of drug testing at work. "Failure in safety management systems is 80% responsible for health and safety incidents - drugs in the workplace is virtually insignificant in comparison.

Some of the ethics to think about:

- Ø How is the balance to be struck between promoting the public good and respecting individual rights?
- Ø Where do the legitimate interests of employers end and the private lives of individuals begin?
- Ø Do employers have a role in policing the activities of their staff outside work time, and especially where they are acting illegally?

Forum news update

The SHOT (Securing Healthy Occupations Together Event), that took place on European Health and Safety week, was very popular. A full report from the event can be viewed on our web site www.baohsf.org.uk. The next Seminar is to take place on Tuesday 5th April and is to be entitled 'Is your workplace 'fit' for everyone' and will cover practical risk assessments for special workers, e.g. physically and mentally ill, pregnant and youth.

Three letters of response were received to the readers letter printed in the Summer edition of the Well @ Work newsletter. Two of these have been included in this publication. See overleaf. Please send in your letters about any issue you feel strongly about for the Spring edition.

The newly formed Health and Safety Reps group is organising an event for Workers Memorial Day to be held on the 28th April 2005, the theme is to be asbestos. Next meeting to be held Thursday 10th March 5-7pm at the Unison Office, contact the Forum if you wish to attend.

Stop press news - The Forum has won the National Health and Safety Groups Council 'Alan Butler Award' for the best seminar (for the SHOT event) and representatives from the Forum are to go to the House of Lords to be presented with the award.



Carol Duerden (Forum Chair) with MP Terry Rooney at SHOT event

Key recommendations from a report from the Commons Work and Pensions Select

Committee:

- Ø That by the 1st December 2004, the Government publishes a Bill on corporate killing.
- Ø That the number of inspectors in HSE's Field Operations Directorate should be doubled. The committee recommend that substantial additional resources are needed in the next three years.
- Ø The evidence supports the view that it is inspections, backed by enforcement, that is most effective in motivating duty holders to comply with their responsibilities under health and safety law. The committee therefore recommends that the HSE should not proceed with the proposal to shift resources from inspection and enforcement to fund an increase in education, information and advice.
- Ø Given the HSE's limited resources, if safety representatives were empowered to enforce health and safety law in the workplace, the committee believes this would have a powerful effect in improving standards. The committee also believes this power to take action, should include not just criminal prosecutions but also improvement and prohibition notices, subject to the usual right of appeal to the Employment Tribunal and as to terms on legal cost.
- Ø The committee shares the HSC's concern that there is a 'huge job' to do on health. It is concerned, therefore that a reduction in HSE's in-house expertise has raised major questions as to its capacity to show leadership on the issue. The committee recommends the Government reviews the resources available for this work to enable the HSE to fulfil this growing role.

This article was kindly put together by a forum member for this newsletter, please get in touch if you would like a copy of the full report.

WSA Challenge fund second round opens for business

Bill Callaghan, Chair of the Health and Safety Commission (HSC), recently announced the opening of the second round of the Worker Safety Adviser (WSA) Challenge Fund. The fund operated by the Health and Safety Executive (HSE) will run between April 2005 and March 2007.

The aim of the fund is to inspire organisations to collaborate on projects that encourage and promote employees and their employers to work together to drive improvements in managing health and safety. The scheme focuses on small firms and organizations that lack such arrangements. Applicants must demonstrate a commitment to improve health and safety, support the work of a WSA to promote worker involvement and demonstrate the vitality of the partnerships they have established to achieve this aim.

Project North East (PNE) manages the WSA Challenge Fund on HSE's behalf. The application form and details of how to apply can be found at : <http://www.wsa-cf.org/>.

Bill Callaghan said: "We want to build on the success of this year's projects. We have already seen enterprising projects having an impact, making worker involvement in health and safety happen."

"Increasing worker involvement has been shown to improve health and safety performance and is a key part of HSC's strategy. The WSA Challenge Fund is designed to help build partnerships that drive safety and health improvements. This is a great opportunity to get resources to help those who need them most - the employers and employees of small firms. We are again looking for innovative bids that show commitment to

working together with partners and using WSAs as a lever for improvement."

The maximum grant available during the second round is £200,000 spread over two years (£100,000 for April 2005 - March 2006 followed by a further £100,000 for April 2006 to March 2007). Up to £1 million pounds is available for each year. There will be a level playing field with current projects competing against new bids based on the quality of their applications.

Partnerships applying for funding can include workers, trade unions, employers trade associations, local authorities, voluntary organizations, chambers of commerce, professional bodies and other organizations committed to working together.

An independent Management Board appointed by the Health and Safety Executive (HSE) will assess applications. Award winners for the second round of the Fund will be announced in March 2004, with funding commencing in 1 April 2005.

Completed and signed application forms should be sent to: Les Johnson Business Support Services, Project North East, 7-15 Pink Lane, Newcastle upon Tyne, NE1 5DW, to reach him by Friday 21 January 2005.



Dr Jo Elms from the Health and Safety Laboratory

Reply to letter from Martin Wooff

Having spent the past fifteen years or more campaigning for improvements in occupational health and safety it is easy to become incensed with Martin's views. The kind of views that would set workplace health and safety back at least twenty years. Anyone who considers having 'faith in the alarm clock waking you in the morning or was the water in the shower warm' to be high risk is more than worthy of my contempt.

Perhaps Martin may benefit from working with bereaved families whose loved ones have been killed in a workplace accident (often a violent death) or died from an occupational disease. Let us not forget the thousands of workers that are seriously injured at work each year or suffer from terrible diseases such as mesothelioma.

High risk isn't about whether your toaster is working properly. High risk, for example, is exposure to harmful chemicals and agents, working at heights or with dangerous machinery.

Martin's letter insults the more enlightened employers by claiming they only carry out risk assessment through fear of the enforcement agencies, a claim that disregards the resources and energy that many companies now put into trying to provide a safe and healthier working environment.

And why does he want employers to abandon risk assessments and put thousands of British workers well being at risk? To help reduce worldwide famine and to protect our planet. Continued overleaf..

At times of environmental disaster the World's leading environmental groups working with Governments and other Non-Government Organisations carry out risk analysis of the disaster and use tools such as risk assessments and risk maps. It has long been recognised that Canadian, USA and Italian environmental groups have taken risk mapping to a level rarely seen in industry. So Martin's views would in fact put the planet at far greater risk.

Finally, I spent a year carrying out a Keighley Worksafe project on behalf of the EU's Health and Safety Unit developing practical solutions for SMEs. The foundation for every practical solution was detailed risk assessment. Assessing the problem, introducing the practical solution and then a further risk assessment to ensure the risk had been reduced or eliminated. Anyone developing practical solutions without assessing the hazards and risks involved in the work process is a danger to others.

Mick Williams MBE

I write in response to Mr Wooff's letter in the Summer edition of 'Well at Work'. Anyone with an interest in Occupational Health & Safety will be aware of Regulation 3 of the Management of Health and Safety at Work Regulations (MHSW) and the requirement for carrying out risk assessment. Risk assessment is the cornerstone of health & safety provision in the UK, and considering that work related deaths, serious injury and disease affect tens of thousands of people in the UK every year, is too serious an issue for this legislation to be treated in such a dismissive manner.

In relation to trivial risks, the ACoP for Reg 3 of MHSW contains the following statement:

"The level of detail in a risk assessment should be proportionate to the risk. Once the risks are assessed and taken into account, insignificant risks can usually be ignored, as can risks arising from routine activities associated with life in general".

I would assume that making a cup of tea, toasting bread and starting the car would be examples of 'routine activities associated with life in general'. If the risk matrix currently being used by Mr Wooff is not suitable for his

organisation, perhaps he may consider using the simple method of estimating relative risk, featured in the HSE publication *Successful health and safety management*. This publication (HSG65), which is referenced in the MHSW Regs, shows a model for determining the level of risk by multiplying the severity of harm by the likelihood of occurrence - defining a high risk as 'certain or near certain that harm will occur'.

With regard to not recording risk assessments - As well as showing how seriously an employer takes their health and safety responsibilities, keeping a record of a suitable and sufficient risk assessment (regardless of the number of employees) provides the following:

Ø Evidence of compliance with the law.

Ø Evidence for the enforcing authority that an employer is aware of the significant risks within their organisation, and the measures being taken to eliminate or avoid them.

Ø Relevant information for managers, employees, and safety reps of the risks involved within their workplace, and the control measures necessary.

Ø A necessary tool for prioritising remedial action when formulating a safety action plan for the management of health & safety within the organisation.

Ø An essential tool in the process of monitoring and review, which is a further requirement of the MHSW Regs.

I would be interested to learn how Mr Wooff can show that his "provision of practical solutions" addresses the above.

Finally, I would like to add that Mr Wooff is certainly not alone in his desire to protect the planet, but some would argue that running a business and using the earth's resources go hand in hand. However, simple measures such as using both sides of a sheet of paper, recycling ink cartridges and paper, re-using envelopes, and printing documents in draft, etc. should help to ease his conscience enough to allow him to comply fully with legislation. The question that needs to be asked, is whether 'not wishing to waste the earth's resources' would stand as a defence in court in the event of a prosecution, following a serious accident where there is no record of a risk assessment being carried out. Karan Brown

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