



Central Executive Council Special Report

YOUR HEALTH, YOUR SAFETY

**REPORT TO ANNUAL
CONGRESS 2015**

CITYWEST, DUBLIN

SUNDAY 7 JUNE

9.30 am - 12.30 pm, 2.00 pm - 4.30 pm

MONDAY 8 JUNE – WEDNESDAY 10 JUNE

9.30 am - 12.30 pm, 2.00 pm - 5.30 pm

THURSDAY 11 JUNE

9.30 am – 12.30 pm, 2.00 pm - close of business

“Congress recognises the valuable role of Regional Health and Safety Officers and urges the Central Executive Council to ensure that each Region appoints an officer whose prime responsibility will be health and safety”.

Motion 40, carried by GMB Congress 1985

The value of GMB Health and Safety Representatives:

GMB Health and Safety Representatives have the most powerful set of rights of any workplace organiser or shop steward. We have the means to organise our workplaces to ensure that employers set the highest possible standards, and achieve the performance that allows our members and colleagues to leave work the same way they entered it each day – healthy, safe and alive.

These rights – given by a Labour Government after years of struggle – were hard fought for. GMB members have been challenged, attacked and blacklisted for asserting these rights, and it has never been more important to use them in the workplace than today.

Since the Safety Representatives and Safety Committees Regulations became law in 1977, GMB has trained thousands of members to identify hazards, inspect their workplaces, investigate incidents and represent the concerns of our members.

Indeed, the history of GMB’s activity on health, safety and the environment is heavily linked with the development of UK law. Our National and Regional Health and Safety officers were introduced following the decision of the 1978 Congress, in order to provide training, guidance and support for the brand new GMB Safety Representatives.

In doing so, we have helped to reduced injury rates, stopped our friends and colleagues from being seriously hurt or killed, and resolved issues to ensure that each new generations of workers feels the benefit of those improvements.

But we have to do more.

The challenges of the past five years:

The past five years have seen the health and safety system in the UK put under strain like never before.

We have seen an attack on workers’ rights on health and safety from three sides:

- politically, through cuts to the funding of the regulator and the repeal of regulations;
- legally, through access to justice and cuts to compensation; and
- socially, through weakening of employment contracts and the very right to be considered an employee.

Since 2010, the use of Zero Hours Contracts has exploded. We know only too well how many employers base their entire business models on exploiting zero hours contracts and agency labour, often provided by migrant workers, to avoid having to provide even basic workplace safety protections. Add to this the huge numbers of bogusly self-employed workers, particularly in the construction sector, and it is obvious that huge areas of the economy are not reporting incidents and injuries. This means there is no scrutiny of the employer, and no pressure on them to raise standards. These workers have no representation, no voice and no exposure for their concerns.

These workers will never be compensated when they are injured, and there are many others who won't see redress for accidents or illness caused by negligent employers. The Liberal/Conservative Coalition Government made it harder to access to compensation when diagnosed with the asbestos disease mesothelioma; removed liability from employers for some types of accidents; and made injured parties pay to take claims and tribunals against their employers.

It's only by joining GMB, and gaining access to our UnionLine legal experts, that these workers can begin to claw back some kind of justice and recompense.

Whether you work in construction, manufacturing, retail, security, the utilities or the Public Sector, the resources that the Government put into looking after your health and safety, and protecting your work environment will have been cut, and in some cases drastically so.

The Health and Safety Executive (HSE) – created more than 40 years ago following a Labour Government review of health and safety in the UK – has never faced such challenges and restrictions in its history. Even the introduction of Fee for Intervention – the 'polluter pays' scheme that allows HSE to recoup the cost of advice and enforcement against negligent employers – is only partially offsetting the impact of years of cutbacks.

The importance of Fee For Intervention:

HSE has faced years of real terms funding cuts – flat cash settlements regardless of inflation – which have been compounded by savage resource reductions since the 2010 General Election. In October 2012, legislation was enacted to allow HSE to recover the costs of inspection and enforcement activity from organisations that breach health and safety law. Where Inspectors find material breach – a contravention of law serious enough to warrant a written notice – they can charge the negligent dutyholder for their time at a current rate of £124 per hour. This scheme, known as Fee for Intervention (FFI), has raised millions of pounds of revenue since it was introduced, transferring the cost of accidents and ill-health from society to employers, and helping to safeguard HSE's dwindling resources.

The stark truth is that at the time of writing there are less than 1000 active HSE inspectors in the field, and many of these operate in construction and the high hazard sectors. As a result, GMB Health and Safety Representatives will no longer easily be able to contact Inspectors for advice and guidance. Added to this, the likelihood of a proactive HSE inspection was already on average once in 40 years - literally once in a working lifetime - the reality is that most workplaces will never be inspected by design. Only in the most serious of circumstances can we expect the Inspector to call.

Local Authorities have also been hard hit by government austerity cuts, and inspections by Environmental Health Officers have decreased by a massive 92% since the government made health and safety inspections optional for councils.

Unfortunately, whilst employer groups complain about red tape, the sad truth is that laws that are not enforced have no teeth. Bad employers know that costs of being caught are high – Fee for Intervention charges and court fines if prosecuted – but the likelihood of being caught is minimal in most cases.

And there is no realistic prospect of resource increases in the next parliament. To make matters worse, we can no longer look to Europe to introduce new legislation and drive standards. The European Commission's REFIT Programme, which is the equivalent of the UK Government's Red Tape Challenge, seeks to reduce business burdens and cut back on laws, with health and safety squarely in its sights.

The game has changed.

But do we accept this? As trade unionists, activists and workers, we have to do all we can to protect our members, our colleagues and ourselves at work. **We have to organise our workplaces and branches to take control of our health, our safety and our environment - the Regulators are not going to step in to help us anymore.**

Counting the Cost:

“The sad reality of the situation is this, that the road to economic recovery will be paved by the bloodied bodies and broken bones of the workers”

Paul Kenny, GMB General Secretary

This is particularly crucial right now, as the economy slowly emerges from years of depression and recession. We know from bitter experience that the situation will worsen as the economy recovers, with new and inexperienced workers introduced into the workplace, creating new risks and potentially suffering more serious injuries. We know that whilst recorded numbers of fatalities and major injuries are at historic lows, under-reporting hides the true scale of suffering and death.

We know that the hidden costs - both human and economic - of mental and occupational health failings are severe:

- 131 recorded fatalities – but the true figure from disease and stress is much higher
- Anywhere from 10,000 to 50,000 deaths from occupational disease each year – most of which are from cancers and heart disease. It is known that asbestos related deaths are over 4,000 and still rising.
- 1.2 million are made ill by work each year...
- ...resulting in 28.2 million lost working days...
- ...at a cost of £14.2BN to the UK Economy.

We know from our own bitter experience that this is only the tip of the iceberg. Our members have died at work due to the failings of their employers. Every GMB Region has a number of cases each year where members have been seriously hurt at work, suffering life-changing illnesses and injuries that drastically impact their quality of life. Many never work again, and the strain that this takes on their families cannot be quantified.

Stopping these accidents; removing these hazards; and preventing this ill-health would remove the need for austerity measures altogether. We know that good health is good business. HSE have been promoting this simple truth for at least 15 years. We also know that the presence of active health and safety representatives halves the likelihood of serious injury in the workplace. So it's in everyone's interest for GMB to have the strongest possible presence on health, safety and environment in the workplace.

The Plan for the future:

This is why GMB is reviewing and renewing its activity on health, safety and the environment, to give our Health and Safety Representatives the tools, the training, the support and perhaps more importantly the confidence to take on the challenge of organising the workplace around health & safety and the environment.

This work and the time required to recreate a GMB union-wide Health, Safety and Environment Service, which delivers support to our Health, Safety and Environment Reps and provides fast, accurate and consistent information to members requires full compliance with the 1985 Congress policy of dedicated Regional Health and Safety Officers in each Region to develop reps individually and collectively.

The whole field of Occupational Health is vitally important for our members and their families. Workplace deaths, injuries and the legacy of industrial diseases cost Billions to the UK economy and create untold misery and pain for workers.

So it is time to pick up the gloves, step back in to the ring and face this challenge head on once again.

The benefits for the Union; the members; their families; and the whole economy are undeniable.

The consequences of the failure to improve health and safety in the workplace are just as clear and stark.

One of the most overused phrases is that *“it’s not a matter of life and death”*. **How Wrong Can You Be?**

The limited actions outlined in this report can make a big difference to whether a member – a parent, wife, husband, colleague, and friend - comes home safely or not at all.

GMB have led this field before – it is time for us to step up to the plate and lead again.

GMB Action Plan on Health and Safety:

1. Support and lay democracy:

GMB will:

- Reaffirm our commitment to the policies set out by Congress 1978 and 1985, and the Special Reports on 1993 and 1995 – a dedicated Regional Health and Safety Officer in every GMB Region *“who should have enough time allocated to provide the support necessary to fulfil the requirements of this report”*.
- Create a national Health, Safety and Environment forum, modelled on the National Equalities forum, populated by delegates elected from Regional Health, Safety and Environment forums, and with the ability to submit a resolution to GMB Congress.
- Ensure that Regional Health, Safety and Environment forums are organised and take place at least twice per year, directly reporting to Regional Committees.
- Hold a National Health, Safety and Environment conference each year.
- Survey our members to find out what your issues and concerns are, and what extra support you need.
- Link in to the wider equality agenda to help to recruit the next generation of GMB Health, Safety and Environment Representatives, with a particular focus on young members, BME members and women. We know that only 36% of GMB Health, Safety and Environment Representatives are women, and that the number of BME Reps is low, so we will look at innovative ways to engage with these groups.
- Better recognise the achievements of our Health and Safety Representatives beyond the annual Safety Representative of the Year award at GMB Congress.

- Look at the opportunities around Health, Safety and Environment as part of the ongoing GMB Branches Review, particularly looking at simplifying access to training beyond that offered by GMB and the TUC to address specific hazards, issues or concerns.
- Seek to appoint more lay Health and Safety Representatives to HSE Industry Advisory Committees (IACs) and sectorial forums

2. Advice and Guidance:

GMB will:

- Refresh and update the GMB Health and Safety Representatives' Handbook as part of the GMB Workplace Organisers' Toolkit.
- Ensure that all new GMB representatives complete basic Health and Safety training as part of their induction programme to ensure health and safety is part of our industrial and organising agenda in every workplace where we have members.
- Make the GMB Inspection Report Form available to complete online using tablets and smartphones.
- Develop simple one page 'quick guides' on key health, safety and environment topics
- Publish new guidance and case studies on organising in the workplace using health, safety and environment issues.
- Use new technology and new avenues, such as Twitter, GMB TV on YouTube, and podcasts to communicate developments and campaigning activity.
- Ensure that the GMB Website on Health, Safety and the Environment is regularly updated and has the most up-to-date information possible.
- Publish a GMB Health, Safety and Environment newsletter every month.

3. Campaigning:

GMB will:

- Deliver a campaign to reassert Health and Safety Representatives' Rights and reinvigorate inspection activity.
- Develop new campaigns and guidance on emerging issues such as mental health, bullying & harassment, nanotechnology and occupational health, particularly around the aging workforce.
- Encourage and train GMB Health and Safety Representatives to make use of regional and national media communication channels to publicise both success stories with reasonable employers and the poor performance of negligent employers.
- Co-ordinate GMB activity around International Workers' Memorial Day
- Regularly lobby parliament to ensure that health, safety and environment issues retain a high profile and remain in the public eye.