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Asbestos alert

ATL continues to highlight the dangers of asbestos and part of the 'homework' that we set for ATL safety reps attending training is for them to find out if their employer has an asbestos policy, if asbestos is present in their workplace, and if so, where it is located.



ATL is very disappointed in the latest ruling from the House of Lords, which effectively bars thousands of workers who suffer from an asbestos-related disease from seeking compensation for themselves and their family. The ruling removes the right to pursue compensation for pleural plaques, which are areas of thick scar tissue which form in the chest lining and diaphragm and are caused by asbestos exposure.

During the hearing, insurance companies argued that there should be no liability as pleural plaques are not a disease and have no symptoms. Although the ruling was met with dismay by unions the Association of British Insurers stated:

"The insurance industry is fully committed to paying compensation to claimants who suffer from mesothelioma and other asbestos-related diseases. This judgement on pleural plaques is not concerned with these diseases."

However, this ruling is likely to result in substantial savings for insurance companies, at the expense of workers and their families.

ATL has received over 400 forms from members who may have been exposed to asbestos at work, and this figure continues to climb. The ATL **'Possible exposure to asbestos'** forms can now be downloaded online at www.atl.org.uk/atl_en/news/campaigns/asbestos_campaign.asp.

The safety reps are then asked to provide information on asbestos in their workplaces at the follow-on safety reps training day. We also show the DVD *Mesothelioma – The human face of an asbestos epidemic*. ATL have posted the DVD on ATL's YouTube area at www.youtube.com/watch?v=3ozcSUFr_dE&sdig=1.

One of the case studies shown in the DVD is that of Elizabeth Bradford who was exposed to asbestos as a school teacher. Mrs Bradford says she was informed by her local authority that the asbestos to which she had been exposed was white, and therefore safe.

There are three types of asbestos: blue (crocidolite), brown (amosite) and white (chrysotile). Exposure to any of them is dangerous. Asbestos exposure can cause asbestosis, lung cancer and mesothelioma.

Leave on the line

ATL regularly receives enquiries about headteachers concerning safety reps' legal rights to paid leave to attend training or carry out workplace inspections. The case of Paul McCarthy, safety rep for a train drivers' union, demonstrates that employment tribunals take this issue very seriously. An employment tribunal awarded compensation of £11,500 to Mr McCarthy, who was prevented from inspecting four tube lines, and ruled that his employers had 'wilfully and deliberately ignored the recognised machinery' for safety inspections.

ATL welcomes the ruling, which makes clear the right of safety reps to paid time off to carry out their duties. If you are experiencing any problems accessing paid time off, or would like to find out more information on safety reps in general, please contact ATL health and safety member advisor Doru Athinodoru on **020 7782 1598** or dathinodoru@atl.org.uk.

Getting vocal about voice care

Did you know that one in ten long-serving teachers and lecturers will be a patient in a voice clinic during their career? In fact, they are eight times more likely to suffer voice problems than the average worker. ATL believes it is vital that all education professionals are taught how to use their voice correctly and is calling for voice care to be made compulsory in all teacher and lecturer training courses.

Enclosed with this month's issue of *Report* is a poster to support our campaign. Please put it up on your school or college noticeboard. Additional copies can be ordered from ATL Despatch on **0845 4500 009** or by emailing despatch@atl.org.uk quoting **PS065**.

Frozen out



When ATL member Peter Wooler, who teaches in the independent sector, complained that his asthma was made worse by working in low room temperatures (on some days as low as 4°C) the response from his school was to deny that this was ever the case, that he had made any complaint and that the issue had ever been raised at health and safety meetings. However, Peter could produce minutes of a health and safety meeting which showed that the school was aware of the problem, and had been for many years.

Peter's case was taken up by Morrish & Co personal injury solicitors, who act on behalf of ATL members. With their assistance the case was finally settled last October. Peter received £2,500 compensation.

"Of course I am happy to receive some monetary compensation," Peter commented, "but of equal importance is the very clear message that has been sent to employers that employees will simply not put up with unacceptable working conditions. ATL were brilliant in supporting me."

The Workplace (Health, Safety and Welfare) Regulations 1992 lay down minimum standards for the workplace. Employers must ensure all workplace temperatures are reasonable during working hours. The Approved Code of Practice says that workrooms should be at least 16°C. However the Education (School Premises) Regulations 1999, which set out minimum standards in maintained schools, stipulates a minimum classroom temperature of 18°C.

Further details on disabilities and health and safety can be found on the HSE disabled safety website at www.hse.gov.uk/disability. Morrish & Co can be contacted on **0800 083 7285** or www.atlinjuryclaims.org.uk.

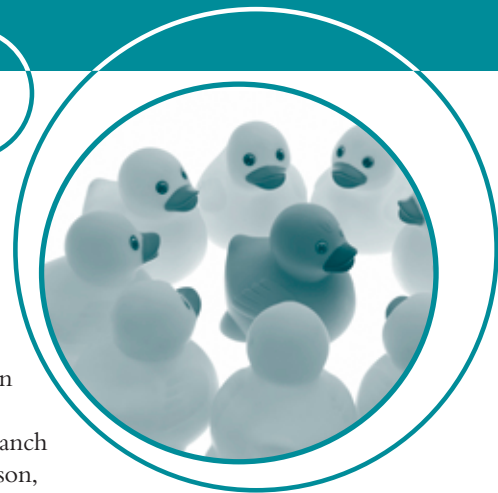
You can beat a bit of bully

Hampshire branch provided a safety presentation for over 40 members highlighting workplace bullying and stress on 7 November to mark both Ban Bullying at Work Day and Stress Awareness Day. The branch training day was provided by Helen Thompson, David Belfield and Phillipa Hake.

The presentation focused on bullying stress and employers' duty of care, including advice on how to recognise workplace bullying; the law on workplace bullying; and action that targets of bullying should take to confront and combat the problem.

Bullying and stress have a significant impact on members' lives and ATL constantly addresses them through the excellent work of its safety reps and branch officers.

ATL's advice publication *Bullying at work*, is available from www.atl.org.uk in the publication section of the resource area. The TUC has also produced a guide for safety representatives on bullying on www.tuc.org.uk/h_and_s/tuc-13809-f0.cfm. Members who have concerns about bullying should contact their ATL rep in the first instance.



Working all hours

ATL receives a large volume of enquiries from members who are struggling to cope with working excessive hours as well as unmanageable workloads. Recent research carried out by insurers Legal & General showed that one in four workers never take a break from work and that 33% felt stressed by their daily routine.

The findings mirrored those in ATL's November 2007 survey of independent school staff which found that over 60% admit to regularly working more than 48 hours a week, with many boarding school staff reporting they work up to 100 hours a week and some even more than that. This trend can also be seen in the state sector with teachers burning the midnight oil in an attempt to manage workloads.

It is vital that staff struggling to cope seek support. In 2004 the Health and Safety Executive (HSE) issued the stress management standards, to assist employers to manage workplace stress and stressors. The standards cover the areas of: control, demands, support, role, change and relationships. These should be considered in your employer's stress risk assessments. More information can be found on the HSE's website at www.hse.gov.uk/stress.

More information on risk assessments can be downloaded from www.atl.org.uk/factsheets.





Do I... have to teach violent pupils?

A frequently asked question from ATL members is:

"There is a violent and disruptive pupil in my class; I am fearful for my safety, as well as that of the other students. Can I refuse to teach that pupil?"

Under health and safety law your employer has a legal duty of care towards you as well as to the students. In 2003 the House of Lords handed down two rulings with important implications for violence in schools. The first ruling upheld the right of unions to ballot members over refusal to teach a violent and/or disruptive pupil. The second ruling upheld the right of a school to make alternative provision for a pupil who had been reinstated following a successful appeal against exclusion to an independent appeals panel. Schools and colleges therefore need to address the following questions:

-  Has a risk assessment been conducted?
-  What safeguards are in place to eliminate and/or reduce the risks?

Figures published show that, although there were more than 5,000 assaults on pupils and teachers in Scotland in 2005, only 2% ended in permanent expulsion. Assaults on staff are unacceptable and health and safety measures in schools and colleges must be proactive not reactive. ATL considers it unreasonable to reintroduce a disruptive or violent pupil without the employer first conducting a risk assessment and actioning additional preventative measures; simply 'hoping for the best' will not do.

Violence control

At ATL's 2007 annual Conference ATL safety rep Carolyn Dutton posed a question to the then Education Secretary Alan Johnson about disruptive pupils and risk assessments. Alan Johnson was emphatically in favour of risk assessments and went on to say: "I have no doubt that the pressures you have described are very real ones and we need to ensure that those risk assessments are carried out."

Since the Conference Carolyn and Anji Couch have continued to highlight the legal obligations on educational establishments and LAs to carry out risk assessments and have provided a number of branch safety events. Carolyn told *Health and safety news*: "If our members are being physically or verbally abused repeatedly by the same pupils who fail to respond to the school discipline procedures, it is essential that we ask the headteacher to undertake a risk assessment to ensure control measures are in place to protect our colleagues and the other pupils.

"Schools have a legal duty of care to teachers and pupils. Safe working is essential for everyone's peace of mind. Recruitment of health and safety reps is absolutely essential if the messages from our training are to reach the members of ATL."

A pupil risk assessment has now been developed and implemented in the region's schools.

ATL's publication *Violence, threatening behaviour and abuse*, is available from www.atl.org.uk in the publications section of the resources area.



Double Gloucester success

Gloucestershire and South Gloucestershire held a joint branch safety event, which yielded impressive results with twelve new members, five of whom are new safety reps. Anji Couch, ATL regional official, organised a strategy meeting with committee members. A health and safety workbook has been developed as a basis for their health and safety campaign. This campaign will take the form of a road show around schools and will also form part of the reps' handbook. This is an excellent resource, which Anji is also taking out to ATL's Belfast office. We hope other branches will be able to use this nationally.

A slippery problem

ATL has always been concerned that slips, trips and falls are a major cause of workplace injury for its members. Figures published from the HSE show that slips, trips and falls caused 11,000 major injuries at work, 38% of the total reported. More than half (55%) of all accidents in the education sector last year were caused by a slip or a trip.



Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 stipulates that every floor, surface or traffic route in a workplace should be suitable for the purpose for which it is used and should be properly constructed and maintained for safe usage. Additionally, the area should (as far as is reasonably practicable) be kept free from obstructions, articles or substances which may cause a person to slip, trip or fall.

Bristol City Council were deemed to be legally liable when one of its care assistants, Susan Ellis, was injured in a fall at work. It was claimed that the council had been made aware that residents in one of its homes urinated in the main corridor on a regular basis and that this made the vinyl floor surface slippery. If a floor is frequently and regularly slippery because of a substance which lies upon it (albeit only temporarily), the surface of the floor may be unsuitable. ATL safety reps should ensure that risk assessments consider whether a transient substance lies upon the floor's surface on a frequent and regular basis.

The HSE have produced a guide for safety reps entitled *Slips and trips mapping tool* which can be downloaded at www.hse.gov.uk/slips/mappingtool.pdf. If you have suffered a workplace injury you should contact ATL personal injury solicitors Morrish & Co on **0800 083 7285** or www.atlinjuryclaims.org.uk

What have you done for me lately?



ATL has placed health and safety at the top of our agenda. We are very grateful for the sterling work carried out by our safety reps in ensuring that their colleagues work in as safe an environment as is possible.

One such rep is Sheila Keal of Barnwood Arts College in Gloucestershire, who assisted a colleague returning to school after an operation. Sheila arranged for lower bookcases to be made available in her colleague's office as well as a trolley to help move books around for other tasks.

Although the work carried out by ATL safety reps has a huge impact on the quality of members' working lives, their work and successes are rarely highlighted. We hope to rectify this in future editions of *Health and safety news* so please send your success stories to: dathinodoru@atl.org.uk.



A burning issue

ATL attended and supported a campaign to install sprinklers held at City Hall in London on 7 November.

ATL has been campaigning for a legal requirement for fire sprinklers to be installed in all schools. School fires cost UK taxpayers £74 million in 2006. However, even if you could quantify the price of a building, what price do you put on the disruption to children's learning, and the impact to the wider community? On 9 November 2007, the Department of Children, Schools and Families issued guidelines.

Martin Pilkington, head of legal and member services at ATL, said: "We are disappointed the government has not yet accepted the need to make it a legal requirement for fire

sprinklers to be installed in all new build or refurbished schools, let alone all schools. While the fire safety guidelines should help schools carry out proper fire risk assessments to safeguard against fires, the government has again missed the opportunity to act decisively. The lives of children are far too important to be left to chance."

ATL will therefore continue to call on the government to make it a legal requirement for sprinklers to be installed in all new buildings and school and college refurbishments throughout the UK.

Sign our petition to make sprinklers a legal requirement here: www.atl.org.uk/atl_en/education/have_your_say/sprinklers.asp.

