

Turning up the heat on hazardous workplaces: health and safety survey results

RECENTLY, THE BFAWU, along with Thompsons Solicitors, carried out a survey into members' workplace health and safety. Your rep might have spoken to you about it and if you filled in the survey either by post or online, thank you.

One of the reasons we worked with the union to conduct the survey was to tackle the issue of under-reporting, or put simply, accidents that were happening but which members didn't feel comfortable about reporting.

It's a big issue and one we want to tackle so that injured workers get the right support from the BFAWU legal service, negligent employers are brought to account and workplace safety standards are driven up for everyone.

The survey found that management's attitude to health and safety was "negative" in over a quarter (27%) of workplaces, so it was unsurprising that so many members who responded also reported to the survey that they had suffered an injury at work.

Common issues included:

- hazards not being fixed until after an accident (or series of accidents)
- spillages – such as oil and water – being left unattended
- machines operating without safety guards

We know from experience that a committed approach to health and safety from management makes a huge difference, so working on employers' attitudes will continue to be one of our big priorities going forward.

Over 62% of those who responded reported having had

an accident in the workplace, but worryingly, over a fifth of these accidents (21%) went unreported.

Reporting is key – knowledge of the incident means management can't deny there is a problem, fellow workers who may be injured later can refer to that knowledge and the union can seek to take steps to stop it happening to you, or a colleague, in the future.

Punished by management?

Some of you said that you didn't report accidents because you're worried about being punished by management. You should know that if you raise a complaint, your union will back you 100% of the way and will defend your rights should management unfairly discriminate against you for making valid health and safety complaints.

Unsurprisingly perhaps, but still worryingly, high temperatures and reduced breaks emerged as big issues. Employers are clearly not taking seriously their duty to make sure that their workers are safe and comfortable at work. Over half of respondents told us that high temperature working is a regular worry and makes the unions' "Cool It" campaign more important than ever.

Health and safety is a hugely important workplace issue and, working with the union we're here to help. The survey demonstrates that there are lots of serious issues at play and if any of them affect you, make sure your union is the first port of call. Membership of the BFAWU gives you support, expert advice and representation, and if it's necessary we'll fight your case in court.



Had an accident or injury?

Don't be beaten...

Call the BFAWU legal service
today on **0800 587 7518**

Occupational asthma: what you need to know

BAKERY WORKERS are among those who are at the highest risk of developing occupational asthma as a result of the substances they use at work, according to the Health and Safety Executive (HSE). Employers must do more to protect bakers from the dangers they face at work.

According to the HSE, flour dust containing additives is the second most common cause of occupational asthma. Dermatitis (dry, inflamed, itchy skin) and rhinitis (constant mucus discharge from the nose) can also be caused by some bakery tasks.

A person can develop occupational asthma as a result of being exposed to allergens (substances they are allergic to) or by becoming sensitised to substances in the workplace. Substances that could be hazardous to workers' health in the baking industry include flour dust, spices and cleaning products.

Staff wellbeing

An employer is always responsible for looking after the wellbeing of their staff at work. This includes protecting them from the risk of any work-based diseases. Workplace exposure is controlled and regulated by the Control of Substances Hazardous to Health Regulations (COSHH). "Controls" include measures such as risk assessments on the products used and minimising the exposure to harmful substances as much as possible.

The HSE maximum exposure limit (MEL) for flour dust is 10 mg/m³. An employer has to make sure that workers' exposure is below the MEL limit as far as reasonably possible. In practice this means an employer has to introduce any technically achievable and cost effective precaution that reduces flour dust.

Put at risk?

If you think that you or your colleagues are being put at risk by substances in your workplace, talk to Thompsons. As always with personal injury and employment advice through the BFAWU's legal scheme, Thompsons' advice comes free and you receive 100 per cent of any compensation secured.

It is important to note that, in all personal injury claims, there are time limits for when court proceedings have to be started. In disease cases, such as occupational asthma, the law says that a court case has to be commenced within three years of the date the disease was contracted or (if it is later) three years of the date the worker was told (or should have realised) their disease was related to their work.

If you go outside these time limits the claim is likely to be treated as out of time and cannot be pursued, so if you have any questions, don't delay, get in touch for a chat.

You can contact BFAWU's legal advice helpline on 0800 587 7518.

Small Claims, Big Impact

IF YOU'RE injured in an accident, the right to have independent legal representation to help you get – not what the insurers decide they will give you but what a court would award you for your injuries, losses and expenses – is under threat.

The age-old entitlement that compensation is fair to all, regardless of your wealth or position in society, is currently being challenged by proposed government changes to the small claims limit.

In November's Autumn Statement, the chancellor announced that he wants the small claims limit to rise from £1,000 to £5,000 in road traffic accident cases.

This means that, if a person is injured in a road accident and their damages are likely to be worth less than £5,000 (that's about 90 per cent of all road accidents), the injured person won't be able to recover the money spent on a solicitor to represent them.

The government is essentially asking injured people to pay for the privilege of having legal support to bring the people responsible for their injuries to account.

The alternative? The injured person goes it alone in a legal case against an insurance company and their bank of lawyers.

Epidemic of fraud?

The government, along with its mates in the insurance industry, says there is a "fraud and claims culture in the motor industry". The Association of British Insurers (ABI) claims that they "detected" 67,000 instances of "fraud" in 2013 alone. But there has never been any independent verification of the insurers' figures.

Without solid evidence to back up the idea that fraud is at the level of an "epidemic" (as one insurer claimed), the figures being peddled are a self-serving rhetoric designed to reduce the money they have to pay out while increasing their profits and dividends to shareholders.

Motor insurance is compulsory and the £15 billion a year market is looking pretty healthy by anyone's

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To speak to an expert legal representative, call
0800 587 7518 for advice and support from your union

standing up for you

Hovis brought to book over wrongful dismissal of two employees

BAKING GIANT Hovis Ltd has been brought to book after unfairly and wrongfully dismissing two employees who had notified management of health and safety issues.

Peter Barszczak and Mohammed Farooq were dismissed by Hovis after the two men reported an accident at a Hovis warehouse. Disgusted at their treatment, the men launched a legal challenge against Hovis with support from the BFAWU and its solicitors, Thompsons.

Mr. Barszczak, a shop steward for the BFAWU, suffered an injury at work after a faulty door shut on his leg, which left him with visible bruising. His colleague Mr. Farooq witnessed the event and reported it to managers.

Fired for fabricating the story

Rather than take proper responsibility for their worker's injury, Hovis instead accused the men of colluding to fabricate the story, and fired them both.

Both men took Hovis to an employment tribunal in 2013 which found Hovis had unfairly and wrongfully dismissed them and subjected them to a detriment for reporting an accident at work.

An employment tribunal ordered Hovis to financially compensate Mr Barszczak and Mr Farooq for loss of earnings and re-engage both men, but Hovis has failed to give them their jobs back or financially compensate them.

The latest tribunal hearing in June 2015 ordered Hovis to financially compensate both men further.

Peter Barszczak said: "The total cost to Hovis of wrongfully dismissing me has now reached in excess of £100,000. They have treated us appallingly but we are determined to stand up to them as we have done for the past four years. Hovis lied to us, and about us."

Mohammed Farooq, who began working at Hovis in 1987, said: "Thanks to the behaviour of Hovis the last four

years have at times been unbearable. My family and I have felt great stress and anxiety because Hovis chose to fight us tooth and nail, when all we did was follow procedure and report an accident."

Covered up their error

Ian Hodson, National President of BFAWU said: "Hovis not only failed to keep its employees safe, they covered up their error by accusing Mr. Barszczak and Mr. Farooq of making up their story and deprived them of work and earnings."

Haylee Chambers, employment rights specialist at Thompsons Solicitors, has been representing the men in the case. She said: "The law is very clear. Employees should not be dismissed for telling their employer about a breach of health and safety and Hovis has acted disgracefully."

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standards. The chancellor claims that the proposed rise in the small claims limit will save the insurance industry £1 billion, however it is unclear how this has been calculated and even if it does happen, how this saving would be passed on to motorists. Ministers have admitted in parliament that they do not intend to intervene in the market to require savings to be passed on.

Attack on ordinary people

While this government continues its attack on ordinary people, members of ASLEF should remember that your union legal scheme will continue to work hard to

protect you from the worst effects of Tory policy.

If you, or a family member, are injured in a road traffic accident, don't go it alone – contact Thompsons and get support from expert solicitors who represent union members in personal injury cases every day of the week.

Thompson's is working with trade unions and opposition parties to fight changes to the small claims limit before they are sneaked through as law. Help us fight them too – read the latest on our Small Claims, Big Impact campaign at www.thompsons.law.co.uk/CutPremiumsNow or on Facebook at bit.ly/SmallClaimsBigImpact.

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