

## News

### Health and Safety

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15 January 2024

#### Prosecutions

#### **Hospital trust fined almost £500,000 after man suffers brain injury in manhole collapse**

Kettering General Hospital NHS Foundation Trust has been fined £480,000 after an employee suffered a brain injury after he was found unconscious in a manhole.

The man had been unblocking a drain at the hospital on 1 February 2022 when he was discovered by other members of staff.

He was rescued from the manhole by Northamptonshire Fire and Rescue Service and was treated at hospital for acute sulphate intoxication. This resulted in a traumatic brain injury, and ongoing issues with memory loss and nerve damage.

The HSE's investigation found that Kettering General Hospital NHS Foundation Trust failed to identify the manhole as a confined space, and thereafter, failed to properly risk assess the activity. The trust failed to prevent entry of employees into confined spaces at the site – which was custom and practice for a number of years. The trust also failed to identify a safe system of work or method statement for clearing blocked drains and no precautions were identified to reduce the risk of injury.

The HSE's investigation also highlighted that no confined space training was given to members of the estates team and insufficient information and instruction was provided to those involved as to the methods to be adopted, the risks involved and the precautions to be taken, when clearing drains and entering deep drains or manholes.

Kettering General Hospital NHS Foundation Trust, of Rothwell Road, Kettering, Northants, pleaded guilty to breaching Section 2(1) of The Health and Safety at Work etc. Act 1974. The trust was fined £480,000 and ordered to pay £4,286.15 in costs at Wellingborough Magistrates' Court on 9 January 2024.

The prosecution was brought by HSE enforcement lawyer Samantha Wells.

HSE inspector Heather Campbell said: "This case highlights the dangers of working in confined spaces. The manhole should have been identified as a confined space, and risk assessed accordingly. Safe systems of work for entry into confined spaces should have been in place, such as those outlined in the HSE's Approved Code of Practice."

**HSE**  
**January 2024**

## Two firms fined after worker killed by reversing bus

A national bus company and a commercial cleaning firm have been fined after a “much loved young man” was killed at a depot in Hemel Hempstead.

Albin Trstena, from Tottenham, was working for Cordant Cleaning Limited, when he was hit by a reversing bus being driven by a colleague on 5 November 2019.

The 25-year-old had been working in the yard of Arriva’s Hemel Hempstead bus depot when the vehicle was reversed out of the wash down area. He sustained fatal injuries.

By law, people near a route where vehicles pass must be kept safe. HSE guidance on separating pedestrians and vehicles in the workplace sets out clear steps those responsible should take.

An investigation by the HSE found that Arriva failed to properly assess the risk of vehicle-pedestrian conflict, and both they and Cordant Cleaning Limited, subsequently known as C.L.C Realisations Limited, failed to implement a suitable system of work to control this risk.

There were also insufficient measures in place to protect pedestrians from vehicles being moved around the depot and to ensure that walkways within the perimeter of the yard were being utilised.

C.L.C Realisations Limited of Wellington Street, Leeds (in administration) offered no plea but was found guilty of breaching Section 2(1) of the Health and Safety at Work Act 1974 and fined a nominal £1,000.

Arriva Kent Thameside Limited of Doxford International Business Park, Sunderland, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and have been fined £32,000 and ordered to pay costs of £22,392.

HSE inspector Roxanne Barker said: “This tragic incident led to the avoidable death of a much-loved young man.

“There was a failure to undertake safety measures to segregate vehicles and pedestrians. They also failed to properly consider who was responsible for determining and implementing suitable measures to ensure safe working practices when contracting out some of the activities performed within a shared workplace.”

In a statement read at St Albans Magistrates’ Court, Albin’s sister Albina said how his death had been ‘devastating’ for their family.

“When we received the news Albin had died, we were left devastated and our whole world came crashing down around us,” she said.

“His presence at home was so alive. Albin would always do lots for the family, but not just for the family, he gave of himself and would always help other people where he could. He was a brother and son to be proud of.”

**HSE**  
**January 2024**

## Equestrian yard owner fined for fire safety breaches

The owner of an equestrian yard in Bicester, Miss Isabelle Taylor, has been fined £5,000 for significant fire safety violations that posed a threat to lives.

Oxfordshire County Council's Fire and Rescue Service conducted a fire safety inspection at the premises in October 2020, exposing several critical lapses in safety protocols. Miss Taylor was found to have neglected to perform a proper risk assessment for fire, failed to secure escape routes in the event of a fire, and did not maintain a functional fire alarm and detection system.

The equestrian yard, operating on the ground floor, included two flats on the first floor designated for staff accommodation. Subsequent to a fire at the site, a fire safety audit was conducted under the Regulatory Reform (Fire Safety) Order 2005. Inspectors determined that the premises were dangerously unsafe, prompting the issuance of a prohibition notice, restricting the use of the building for sleeping until safety measures were enhanced.

As a direct consequence of the prohibition notice, occupants of the flats were immediately evacuated on safety grounds. Despite this, a follow-up inspection in December 2022 revealed that Miss Taylor was in breach of the prohibition notice, as staff continued to sleep in the building.

Following investigations, Miss Taylor appeared in court on 2 January 2024, facing charges under fire safety legislation. She was found guilty on four counts, receiving a conditional discharge for three charges and a fine of £5,000 for the remaining offence. Additionally, she was ordered to cover total costs of £4,969.50.

Councillor Dr Nathan Ley, Cabinet Member for Community Safety at Oxfordshire County Council, emphasised the importance of enforcing fire safety measures: "Our fire safety inspectors are finding an increasing number of businesses with sleeping accommodation above, where no fire safety measures have been implemented. Business owners have a legal duty to put fire safety measures in place, and as this case shows, we will not hesitate to take action to ensure the safety of occupants, residents and customers."

The issuance of a prohibition notice underscores the need for responsible persons, such as business owners or employers, to fulfil their duty of care in ensuring that provided accommodations meet accepted standards of fire safety. This case serves as a reminder of the legal repercussions for neglecting fire safety measures on premises with sleeping accommodation.

**FIA**  
**January 2024**

## News

### **Health and Safety Authority reports 43 work-related fatalities in 2023**

*(Ireland)*

Data from the Health and Safety Authority (HSA) shows that 43 people lost their lives in work-related incidents in 2023.

The HSA statistics for last year indicate a continued high level of fatalities in farming (16 fatalities) and construction (11 fatalities) with both sectors accounting for over two thirds of all fatalities in 2023.

The work-related fatalities in these sectors relate to high-risk work including working with vehicles and falls from height.

In summary, the statistics reported by HSA show:

- In the last ten years (2014-2023), the HSA records show an overall decrease in the rate of fatalities per 100,000 workers in Ireland from the rate of 2.8 in 2014 to 1.6 in 2023.
- Fatal incidents happened to victims from all age groups, however, the highest number involved people aged 55 and over, with 22 fatalities in 2023 compared to 10 in 2022.
- Of the 43 fatalities in 2023, the self-employed accounted for 53%.
- Agriculture, forestry and fishing accounted for 20 fatalities with farming accounting for 16 of these fatalities in 2023.
- The construction sector accounted for the second highest fatalities reported in 2023, with 11 reported work-related fatalities.
- Working with vehicles (13 fatalities) and falling from height (11 fatalities) were the leading causes of work-related fatalities in 2023.
- Of the 43 fatalities in 2023, 39 were male and 4 were female.
- Co. Cork accounted for the highest records of fatalities in 2023 (7 fatalities), followed by Co. Dublin (5 fatalities) and Co. Kerry (5 fatalities).

It is noted that a breakdown of 2023 work-related fatalities is representative of data on 31 December 2023 and is subject to retrospective changes.

Commenting on the HSA's data on fatalities in Irish workplaces, Mark Cullen, Assistant Chief Executive, HSA said: "As we reflect on the last year and the 43 people who lost their lives in work-related incidents, we first and foremost think of their families and friends who have tragically lost a loved one in 2023.

"Although we welcome the decrease in work-related fatalities rates in the last ten years from the rate of 2.8 in 2014 to 1.6 in 2023, we still see a continued high level of fatalities in certain sectors. Farming, a high-risk sector, continues to account for the highest number of fatalities (37%) with over half of victims aged 65 and over. We know many farmers are self-employed and often work alone. Therefore, there is a clear need for them to consider the work they plan on carrying out themselves, and where they may need assistance from qualified and trained workers, ensuring the appropriate risk assessments are completed in advance of the work being carried out and that the appropriate preventative measures are in place to ensure those carrying out the work can do so safely."

With the HSA 2023 records showing a significant percentage of fatalities relating to the self-employed, with this group accounting for 53% (23) of all fatalities in the last year, Mark Cullen added: "The self-employed, along with all duty holders and employers, have a responsibility when it comes to health and safety. Last year we saw that the self-employed accounted for over half of all reported fatalities (23). Undertaking risk assessments and making sure the appropriate controls are in place are critically important to ensuring a safe workplace and will undoubtedly protect workers."

The HSA records also showed incident triggers such as being struck by vehicles/vehicle collisions (13 fatalities) and falls from height (11 fatalities) continue to be the leading causes of work-related fatalities in Ireland.

Mark Cullen continued "Where there is a known risk, such as working with vehicles and machinery or working at height, duty holders must take preventative actions to ensure they themselves or workers are safe. We are urging the self-employed, employers and duty holders to prioritise health and safety in their workplaces in 2024 to ensure fatalities don't happen. Every work-related fatality is preventable."

**HSA**  
**January 2024**

## HSE asbestos services surveys

The HSE has launched three surveys from which feedback will help to inform its approach to asbestos management.

The HSE says it is building its evidence base to inform how the accepted recommendations from the Work and Pensions Select Committee inquiry into HSE's approach to asbestos management are implemented.

Participation in these surveys will help the HSE build evidence to inform this work.

### Who should take part in the surveys?

The surveys are relevant to licensed asbestos removal contractors/asbestos surveyors/asbestos analysts/all organisations who are involved in licensed asbestos work, surveying and sample analysis.

The HSE stress that, for those taking part:

- No information will be used for regulatory inspection purposes.
- The survey is anonymous, but you can choose to provide an email address if you wish to be contacted about your response, or to take part in future research.
- All data is processed in line with HSE's privacy policy.

The surveys are available as follows:

- [Asbestos surveying services](#).
- [Licensed asbestos removal services](#).
- [4-stage clearance inspection services](#).

The deadline for responses is 25 February 2024.

**HSE**  
**January 2024**

## Two in five retail workers say bad habits are leading to broken health and safety regulations

New research has revealed that over two fifths (43%) of retail workers regularly break health and safety rules because of bad habits becoming commonplace in the workplace, whilst a similar number (40%) say they break a rule when they don't see the risk as being great enough.

The study, commissioned by Phoenix Health and Safety, surveyed 1,500 participants UK wide to uncover which health and safety regulations are most commonly broken in workplaces and why.

2022 data from the HSE shows that 36.8 million working days were lost due to work-related illness and workplace injury, painting a sobering picture of the current state of health and safety in all workplaces.

Phoenix Health and Safety has gathered the data to better understand why people are willing to cut corners in retail, and how businesses should take action to reduce the risk of future workplace accidents.

The most common reasons health and safety regulations are broken in retail are:

- Bad habits becoming commonplace (43%).
- People think the risk does not seem great enough to need the rules (40%).

- To speed up work (36%).
- Employees see the rules as unnecessary (27%).
- Employers see the rules as unnecessary (24%).

Discussing the results, Nick Higginson, CEO of Phoenix Health and Safety, says: “By looking at these results we can see that a major reason why regulations are being broken is a poor understanding of the rules and why they’re in place, with 40% of people seeing rules as unnecessary.”

In addition, 36% of retail workers break health and safety rules to speed up their work and 27% of employees said they break rules when they see them as unnecessary.

Higginson explains: “It is easy to forget the importance of regulations and fall into bad habits if they’re not addressed on a regular basis. This is why frequent training is imperative to ensure employees have an up-to-date understanding of all health and safety measures in place and why they matter.”

The most frequently broken health and safety regulations in retail are:

- Not reporting an incident to superiors (31%).
- Not doing adequate risk assessments (26%).
- Slipping/tripping hazards not addressed (25%).
- Not following moving and handling guidelines (23%).
- Not following working from height guidelines (18%).
- Not having clear signage (18%).
- Blocking fire escapes or other essential gangways (16%).
- Individuals choosing not to use office equipment that could prevent injury (11%).
- Workplace assessments not being conducted eg, chairs, desk arrangements etc. (10%).
- Individuals choosing not to use appropriate PPE (9%).

The most commonly broken regulation was not reporting health and safety incidents to superiors, with almost a third (31%) of respondents admitting that this happens in their workplace.

Explaining why this is so concerning, Nick says: “It is vital that a potential hazard in the workplace is reported to the relevant persons, whether that be a supervisor or safety manager, as soon as it has been identified so it can be dealt with immediately. Not doing so can result in accidents and injuries that could have been otherwise avoided.”

Over a quarter (26%) of retail workers also reported that risk assessments were inadequate in their workplace.

Nick adds: “This is very surprising, as completing a thorough risk assessment is essential as part of HSE compliance and preventing accidents within the workplace – the failure to complete an appropriate risk assessment can not only result in a hefty fine but can also put the public and employees at considerable risk.”

Summarising the findings from the study, Nick concludes: “Whilst health and safety regulations may sometimes be perceived as unnecessary and a barrier to productive work, it’s important to remember that they play a crucial and potentially lifesaving role in the workplace. 135 workers and 68 members of the public were killed in work-related accidents in 2022/23, signalling how this is a serious issue which can result in fatalities.

“It is the responsibility of organisations to ensure that all health and safety regulations are in place and a culture of following the rules is installed in the workplace, but it is also the responsibility of employees themselves to ensure the regulations are followed.”

Retail Times  
January 2024

## RAC calls for DfT to tackle driver headlight dazzle

With drivers claiming the glare from headlights is getting worse, the RAC is calling on the government to commission an independent study into the problem.

The RAC has been surveying drivers on dazzling headlights since 2018, but new findings from a survey of 2,000 drivers suggests that:

- 85% believe it is more commonplace.
- 89% think at least some headlights are too bright, of which three-in-ten (28%) – the highest recorded – think most are.
- Of the drivers who complained about the brightness of car headlights, some 91% said they get dazzled when driving, with three-quarters (74%) saying this happens regularly.
- When it comes to the effects of glare on drivers, two-in-three (67%) who suffer say they have to slow down considerably until they can see clearly again, while a similar proportion (64%) believe some headlights are so bright they risk causing accidents.
- In fact, one-in-20 of these respondents (5%) said that they have nearly been involved in a collision due to being dazzled.
- 7% said that they find headlight glare so bad that they avoid driving at night altogether, a figure that rises to 14% for drivers aged 65 and over.

The RAC has raised the issue of headlight glare with the Department for Transport (DfT) and has been working with a member of the House of Lords, Baroness Hayter, to make drivers' concerns known among government officials.

The RAC provided details of its research for a report on vehicle glare published last week and will be meeting with the government this month (January) to discuss the issue.

RAC spokesman Rod Dennis said: "Our figures suggest drivers are more concerned than ever about headlight glare, with a huge proportion wanting to see something done about it.

"We urgently need the Government to take a closer look at the issue, ideally by commissioning an independent study to understand what's causing an increase in reports of dazzling and, most importantly, what can do be done to keep drivers safe."

The reasons drivers perceive headlight glare to be such an issue are less clear, although an overwhelming 87% of them think it is mainly due to some lights just appearing much brighter.

This, says the RAC, could be as a result of the increasing prevalence of cars fitted with LED headlights, leading to a much more intense and focused beam that the human eye reacts differently to, compared to a conventional 'yellowish' halogen bulb.

While LED headlights are great for improving a driver's view of the road ahead, this can be to the detriment of other road users who encounter them. However, almost half (44%) of drivers think the dazzling is caused by badly aligned headlights.



A Freedom of Information request submitted to the Driver and Vehicle Standards Agency (DVSA) in November 2023 shows that since 2019, an average of 1.6 million or 5% of Class 4 vehicles – which includes passenger cars – failed their MOTs as a result of poor headlight aim.

Cars that sit higher on the road, especially SUVs, may also be a factor with those in conventional cars such as hatchbacks, saloons or estates suffering the most.

Six-in-10 drivers (62%) of conventional cars blame the dazzling on higher vehicles, whereas only 35% of those in higher vehicles point the finger similarly sized vehicles.

Government collision statistics shows that since 2013, there has been an average of 280 collisions a year where dazzling headlights were a contributory factor. Of these, six a year involved someone losing their life.

Dennis said: “On the one hand, brighter headlights can be a good thing as they give drivers a clearer and safer view of the road view of the road, but that appears to come at a cost for those on the receiving end of excessively bright lights.

“The numbers of reported road casualties where headlight glare was listed as a contributing factor might be small when compared to something like speeding, but that only tells part of the story. Is it right we have such a high proportion of drivers who feel unsafe when they’re driving at night, with some having even given up night-time trips altogether?”

Mike Bowen, director of knowledge and research at the College of Optometrists, believes results from the research by the RAC are helpful to understand of how changes in vehicle headlight technologies may be affecting both the functional vision of young and older drivers, and their visual comfort, when driving at night.

“Older drivers are likely to be disproportionately affected by headlight glare, so may be more likely to experience difficulties or to decide not to drive at night at all,” he explained.

“We urge the Government to commission more technical and clinical research to have a better understanding of this issue and what should be done to ease the effects of dazzling headlights.”

Nicholas Lyes, director of policy and standards at IAM RoadSmart, also wants to see Government action to tackle the problem. He said: “Drivers are increasingly telling us they are concerned by modern headlights and some are now even limiting the amount of time they spend driving during darkness to avoid glare.

“Being dazzled by a headlight has a worrying impact on road safety and we need policymakers to take this matter seriously.”

### **Dealing with glare**

- Always use the rear-view mirror properly at night. Some newer cars have self-dimming rear-view mirrors that can reduce dazzle from vehicles behind – if you’re changing your car soon, look for one that has such a mirror fitted. But most drivers still need to manually adjust their mirrors in the dark to reduce glare. About half the drivers surveyed by the RAC who reported getting dazzled said they do so at night (54%).
- Speak to an optometrist. Just 6% of drivers told the RAC they’d talked to their optician about glare. For those who wear glasses, a glare-minimising coating can help – something a quarter (25%) of affected drivers said they are benefitting from.

### **Fleet News January 2024**



## Japanese aircraft fire puts focus on aircraft materials and evacuation procedures

The aftermath of the collision between a Japan Airlines Airbus A350 and a smaller De Havilland Dash-8 at Tokyo's Haneda airport earlier this month has set the stage for an in-depth exploration of aircraft safety and emergency response strategies.

Aviation experts and investigators are eager to glean insights into the unprecedented incident, which resulted in the first loss of an Airbus A350 since its introduction in 2015 and the initial destruction by fire of an airliner predominantly constructed from carbon fibre.

While the Japan Transport Safety Board, police, and other official agencies investigate the cause of the collision and the sequence of events, experts commend the remarkable evacuation of the 367 passengers and 12 crew members from the immersed JAL plane. Initial findings suggest challenges such as a malfunctioning intercom system between the flight deck and the cabin and the availability of only three out of eight exit doors due to the external fire.

Ed Galea, a fire safety specialist at the University of Greenwich in London, noted the high-risk nature of the evacuation scenario, particularly with the aircraft's nose angled downwards, impacting the use of inflatable slides. "In these circumstances, every second counts," Galea stressed.

Modern aircraft must demonstrate their ability to evacuate all passengers and crew within 90 seconds using half the available exits, regardless of the challenging conditions. Despite the efficacy of such tests, some experts, including Galea, question their real-world relevance. "I call it a benchmark as it says nothing of the performance of the aircraft in the event of an accident," he commented.

Aircraft cabins, whether constructed from aluminium or the increasingly utilised carbon fibre, are designed to resist external heat for several minutes. Airbus, maker of the A350-900, revealed that composite materials comprised 53% of the aircraft, offering fire resistance comparable to traditional aluminium structures. The incident highlights the resilience of composite structures, particularly in comparison to past incidents involving Boeing 787s with similar materials.

Bjorn Fehrm, an aeronautical engineer and analyst at Leeham News, underlined the industry's shift towards composite materials, driven by the pursuit of reduced weight and increased fuel efficiency. He noted: "In this case, the carbon fibre is giving that heat-shield protection."

The burning images of the JAL A350 further underscore the composite structure's ability to withstand heat for an extended duration. Emile Greenhalgh, professor of composite materials at Imperial College in London, explained that while aluminium melts at around 600 degrees Celsius, composites react differently to fire, forming a char layer that acts as a barrier against the progression of the fire.

In addition to lessons on aircraft materials and evacuation procedures, experts believe that the accounts from both crew and passengers involved in the JAL A350 incident will provide valuable insights into best practices for safety at airports. Despite the tragic loss of lives in the smaller Dash-8 aircraft, the successful evacuation of the JAL flight represents a milestone in the continuous pursuit of enhancing safety standards within the aviation industry.

**FIA**  
**January 2024**

## **Simpler road signs to protect small animals and boost safety**

Last month, the government unveiled changes to warning signs aimed at helping to protect crossing routes for hedgehogs and other small animals, particularly on rural roads.

The rule changes will make it easier for local authorities to use wildlife warning signs. The current hedgehog sign will be updated following feedback from the sector to make it clearer for drivers. Alongside this, rules around the small wildlife warning signs will be relaxed to make it easier for local authorities to put up small wildlife warning signs, helping to better protect hedgehogs and other small animals.

Changes made by the Department for Transport (DfT) will ensure local authorities are able to place small wild animal warning signs where they are needed most rather than having to apply to DfT on a case-by-case basis.

Hampshire County Council, for example, has said it is open to installing hedgehog warning signs following the changes, where needed, rather than applying to the DfT.

The small animal warning sign depicts a hedgehog and was first introduced in 2019. As well as cutting the restrictive red tape preventing them being placed, the government has also refreshed the design by adding white quills to the hedgehog's back. This will improve clarity and make it more visible from a distance for all road users.

The changes will also help protect vital crossing routes for hedgehogs and other small animals, particularly on rural roads. Hedgehog numbers have dropped by between 30% and 75% in rural areas since the millennium, with traffic a major factor in the decline.

Transport secretary Mark Harper said the "common-sense changes" would lead to "more small animal signs across the country, cutting down on bureaucracy to help protect both drivers and small animals".

He said it would also improve road safety and ensure "fewer casualties are checked into wildlife hospitals".

**Department for Transport/BBC News**  
**January 2024**

## **Reports**

### **Musculoskeletal conditions and employment**

The umbrella term musculoskeletal (MSK) conditions covers a wide range of short- and long-term health conditions affecting the joints, bones, muscles and associated body tissues. Different types of MSK conditions have different causes. Some MSK conditions result from injury and repetition of certain movements, especially those associated with particular working practices. Some auto-immune or inflammatory conditions, such as rheumatoid arthritis, can also cause MSK symptoms.

Statistics from the HSE show that the industries with the most reported incidents of musculoskeletal disorders are agriculture, construction, health and social care and transport and logistics.

#### **Impact on employment**

The Department for Work and Pensions provides statistics on employment status by medical condition. These show that people with musculoskeletal conditions are much less likely to be in employment than average. The employment rate for

people with musculoskeletal conditions and classed as disabled was 57.5% in 2022/23, compared to 75.7% for the whole population aged 16-64.

### **Health and safety law**

Health and safety law in Great Britain is governed both by statute law, in particular the Health and Safety at Work etc Act 1974 (HASAWA), and by common law principles such as the concept of a duty of care that employers have towards their workers. HSE is the primary regulator for workplace health and safety in Great Britain.

HSE has a range of specific workplace guidance on musculoskeletal disorders. This includes a summary of the law on musculoskeletal disorders at work which outlines duties under HASAWA and five pieces of secondary legislation that may be of particular relevance to workers with musculoskeletal disorders:

- The Management of Health and Safety at Work Regulations 1999.
- The Manual Handling Operations Regulations 1992.
- The Health and Safety (Display Screen Equipment) Regulations 1992.
- The Control of Vibration at Work Regulations 2005.
- The Workplace (Health, Safety and Welfare) Regulations 1992.

### **Disability and employment**

The Equality Act 2010 prohibits discrimination at work on the grounds of disability, along with other protected characteristics such as age or race. Employers are required under the Act to make reasonable adjustments to workplaces and working practices to remove or reduce disadvantages faced by workers that are related to their disabilities.

### **House of Commons January 2024**

### **Trade unions and industrial relations**

This House of Commons Briefing covers the rules governing trade unions, the rights of union members, collective bargaining, strikes and other industrial action.

Most trade union law for Great Britain is contained in the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA 1992), which consolidated a large amount of prior trade union legislation dating from the 1870s up to the 1980s.

The 1992 Act has been amended a number of times, most recently and significantly through the Trade Union Act 2016 – see the Library briefing on the Trade Union Bill for the background and context of this legislation.

### **How many UK employees are in a trade union?**

There has been a long-term trend in the UK of declining trade union membership levels which continued into 2022. Estimates from the Department for Business and Trade (DBT), using the Office for National Statistics (ONS) Labour Force Survey (LFS), show that in 2022, 6.55 million people in employment in the UK were members of a trade union, 174,000 fewer than in 2021.

Membership levels for women in employment decreased to 3.55 million in 2022, 115,000 fewer than in 2021. Membership levels for men in employment decreased to 2.70 million in 2022, 85,000 fewer than in 2021.

In 2022, 2.52 million working days were lost due to strike action in the UK, the most since 1989. This is equivalent to 75 days per 1000 workers over the year.

### **Collective bargaining and union recognition**

One of the primary functions of trade unions is to represent the workforce in negotiations with employers over issues such as pay, terms and conditions or redundancies – a process known as collective bargaining.

To collectively bargain on behalf of a particular group of workers (known as the ‘bargaining unit’), unions need to be ‘recognised’ by the employer. This can be by voluntary agreement, or unions can apply to the Central Arbitration Committee for statutory recognition if agreement cannot be reached.

Recognition grants unions rights to certain information and consultation.

### **How are trade union activities regulated?**

A public official called the Certification Officer oversees the registration, annual returns, mergers and finances of trade unions and determines any complaints about elections, as well as some other ballots and union rules.

Trade unions are primarily funded by their members and there are restrictions on both their collection and spending of funds. ‘Check-off’, the process of an individual’s union membership fees being deducted from their salary by the employer and paid to the union, can only be carried out with their written agreement. Unions wanting to spend any money on political activities must set up a political fund, authorised by a majority vote in a ballot of their members.

Trade unions are also required to elect certain senior officials. Chapter IV of TULRCA 1992 sets out detailed requirements for how these elections must be run, including the appointment of an independent person to supervise the election process.

### **Rights of union members and representatives**

Trade union representatives have a statutory right to paid time off work to undertake certain duties (‘facility time’), while all union members have a statutory right to unpaid time off to take part in trade union activities such as attending meetings. These rights are outlined in a statutory Code of Practice issued by the Advisory, Conciliation and Arbitration Service (Acas).

As outlined by GOV.UK guidance on Joining a trade union, trade union members are protected against ‘detriment or dismissal’ by their employer for being members of trade unions or taking part in union activities. Workers are also protected against unlawful inducement – offers made by their employer to induce them to become or not become members of a trade union.

Employers are also prohibited from compiling or exchanging information on workers’ union membership with a view to discriminating against them in employment – a practice known as ‘blacklisting’.

### **Regulation of strikes and industrial action**

Industrial action is the withdrawal of labour as part of industrial dispute. A total stoppage of work is known as a strike, but other kinds of industrial action short of a strike are also possible, such as a work to rule.

While Article 11 of the European Convention on Human Rights has been held to include the right to take collective action, in Great Britain unions effectively have a freedom to do so only in circumstances protected by domestic law – otherwise unions could potentially be sued for committing torts (civil wrongs).

To gain protections against action in tort, unions must comply with all the statutory requirements for industrial action, including:

- Having a trade dispute with the employer in question.
- Holding ballots with at least 50% turnout and a majority voting in favour of industrial action. Strikes in some important public services must additionally have at least 40% of total employees voting in favour.
- Notifying employers, usually including 14 days before taking action.
- Complying with rules around peaceful picketing.

As long as a union complies with these requirements, section 238A of TULRCA 1992 also gives employees automatic protection from dismissal on the grounds of taking part in protected industrial action for up to 12 weeks.

Employees are not protected during unofficial 'wildcat' strikes that lack union endorsement.

### **House of Commons January 2024**

## **Assistive technology**

The World Health Organisation (WHO) has issued this factsheet about assistive technology, which includes a range of products such as wheelchairs, glasses, prosthetic limbs, white canes, and hearing aids to digital solutions such as speech recognition or time management software and captioning. Assistive technology is an umbrella term for assistive products and their related systems and services.

Most people who use assistive technology use more than one product, making integrated services important. Globally, more than 2.5 billion people need one or more assistive products, says WHO.

Assistive technology is most needed by:

- Older people.
- Children and adults with disabilities.
- People with long term health conditions such as diabetes, stroke and dementia.

## **Improving access**

The WHO and UNICEF Global report on assistive technology (2022) offers recommendations specifically intended to steer governments and other stakeholders towards achieving universal access to assistive technology. These 10 priority recommendations underline the ongoing efforts required to enhance access to assistive technology for all in need:

- Improve access to assistive technology within all development sectors.
- Ensure safe, effective and affordable assistive products.
- Enhance workforce capacity.
- Involve users and families in the entire assistive technology access pathway.
- Raise public awareness and combat stigma regarding assistive technology.
- Invest in data-driven policy.
- Foster research and innovation.
- Develop enabling environments that benefit everyone involved in assistive technology.
- Include assistive technology in humanitarian responses.

Strengthen international cooperation on assistive technology.

**WHO**  
**January 2024**

### **OPSS Delivery Report 2022-2023**

This report sets out how the Office for Product Safety and Standards (OPSS) protects consumers through robust product regulation, working and delivering with partners.

The primary purpose of the OPSS is to protect people and places from product-related harm, whilst enabling trade and growth by ensuring consumers and businesses can buy and sell products with confidence. OPSS apply regulations across the product lifecycle from design, accreditation and manufacture through to labelling, supply, end use and safe disposal. Its policy responsibilities cover product safety, legal metrology (weights and measures), and hallmarking.

This delivery report highlights the key achievements over the 2022-2023 financial year and maps them against the OPSS five strategic objectives.

Highlights include the following:

- The Incident Management Team assessed and responded to 369 product safety cases. It oversaw an ongoing corrective action programme that in 2022/23 delivered in-home safety modifications to the gas cookers of 33,000 consumers.
- In 2022/23 OPSS moved fast to issue safety alerts for dangerous self-feeding products for babies and took action to ensure they are not sold online or through other channels.
- The programme of online market surveillance activity was accelerated and extended to better understand rates of non-compliance, product risks and the prevalence of non-compliance across different platforms and supply chains.
- In terms of work at ports and borders, OPSS reports that it provided intelligence and funding to local authorities to carry out checks, which meant 10 million unsafe products were intercepted in 2022/23.
- The in-service accuracy of 23 different types of gas and electricity meters was sampled, representing 5.1 million meters.
- OPSS funded scientific research, ran regular focus groups and sought feedback from partners to inform how to target unsafe products.
- The Engineering and Technology Team developed a construction products research strategy to collect data, build knowledge and identify future evidence needs. Six regulatory priorities were identified for construction products and appropriate regulatory interventions developed .

**OPSS**  
**January 2024**

## Guidance

### Code of Practice on requests for flexible working – draft

Acas has published its revised Code of Practice on requests for flexible working. It is stressed that this is currently in draft form for parliamentary approval, following consultation in 2023. If approved, this Code is expected to come into effect in April 2024. Until then, the current Code of Practice applies.

The revised Code on requests for flexible working provides statutory guidance to both employers and employees when dealing with flexible working requests. The intention is that the revised code will be brought into force alongside changes to the legal framework around the right to request flexible working in April 2024.

The Code points out that every employee has a statutory right to request flexible working. This right applies from the first day of employment.

A request must be in writing and state that it is a statutory request for flexible working. It must include:

- The date of the request.
- The change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work.
- The date the employee would like the change to come into effect.
- If and when the employee has made a previous request for flexible working to the employer.

Employers should make clear to their employees that the above information must be included in any statutory request for flexible working.

An employee may make two statutory requests for flexible working within any 12-month period.

An employee may have only one live request for flexible working with their employer at any one time.

Once a request has been made, it remains live until any of the following occur:

- A decision about the request is made by the employer.
- The request is withdrawn.
- An outcome is mutually agreed.
- The statutory two-month period for deciding requests ends.

A request continues to be live during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed.

The Code of Practice covers the following areas:

- Considering a request for flexible working.
- Consulting an employee.
- Communicating a decision about a request.
- Handling an appeal.
- Allowing an employee to be accompanied.
- If an employee does not attend a meeting.
- Protection from detriment and dismissal.

All requests, including any appeals, must be decided and communicated to the employee within a period of 2 months from when the employer first receives the request. The employer and employee may agree to extend this period. If an extension



is agreed, the employer should confirm this in writing to the employee.

Acas  
January 2024

## **Explanatory memorandum to Acas code of practice on requests for flexible working**

This explanatory memorandum is for the Acas Code of Practice on requests for flexible working (“the Code”).

The Code is issued under section 200 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the “1992 Act”).

Its purpose is to provide practical guidance to employers and employees on the statutory right to request flexible working provided for under the Employment Rights Act 1996 (as amended by the Employment Relations (Flexible Working) Act 2023 (“the 2023 Act”), and the Flexible Working Regulations 2014 (as amended by the Flexible Working (Amendment) Regulations 2023 (“the 2023 Regulations”)).

### **Legislation**

The 2023 Act, once commenced, will make changes to the flexible working provisions in the Employment Rights Act 1996 to:

- Introduce a new requirement for employers to consult with the employee before rejecting their flexible working request.
- Allow an employee to make 2 statutory requests in any 12-month period (rather than the current one request).
- Reduce the decision period (within which an employer shall consider the statutory request) from 3 months to 2 months.
- Remove the existing requirement that the employee must explain what effect, if any, the change applied for would have on the employer and how that effect might be dealt with.

Alongside the 2023 Act, the 2023 Regulations make changes to the Flexible Working Regulations 2014 by making the right to request flexible working apply from day one of employment (by removing the existing 26-week qualifying period).

The Code updates the current Acas Code of Practice on handling in a reasonable manner requests to work flexibly, issued in 2014 (“the existing code”).

The Code imposes no legal obligations and failure to observe it does not by itself make any person liable to legal proceedings. However, under section 207 of the 1992 Act, any provisions of the Code are admissible in evidence and taken into account in proceedings before any court or employment tribunal where the court or tribunal considers them relevant.

The draft Code has been laid before Parliament, and if approved will be issued and brought into effect on a day specified.

The legislative changes introduced by the 2023 Act and the 2023 Regulations require revisions to the existing code. Evolving social and technological developments in relation to flexible working since the publication of the existing code in 2014 also offer the opportunity for a review of the existing code to ensure it is fit for purpose for the modern workplace.

The aim of the Code is to provide employers and employees with a clear explanation of the law on the right to request flexible working, alongside good practice advice on handling requests in a reasonable manner.

This explanatory note provides further information about the Acas consultation on the draft Code and provides details of the consultation outcome.

## **Sound matters – occupational noise**

*(Ireland)*

Published by the Health and Safety Authority (HSA), this guidance covers managing noise exposure at work. It is written for employers and employees in all sectors, aiming to raise awareness and control the risk of workplace noise.

It defines noise as any loud sound that is unwanted and potentially harmful. Everyone exposed to noise in the workplace is potentially at risk.

The higher the noise level and the longer you are exposed to it, the more you are at risk of suffering ill effects from noise. Repeated exposure to high noise levels can damage your hearing and hearing loss is usually permanent.

Noise can be generated by processes and equipment such as powered tools or machinery. Exposure to excessive noise can result in Noise Induced Hearing Loss (NIHL), which is often accompanied by tinnitus, which can be described as a constant ringing sound in the ear.

Effects on hearing can be temporary or permanent. Temporary deafness and continued exposure to noise could cause permanent hearing loss. Noise can also cause other health problems such as stress and fatigue.

Chapter 1 of Part 5 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 outlines noise levels (lower and upper exposure action values) above which employers must complete a risk assessment and implement measures to reduce noise. It also outlines the exposure limit values which must not be exceeded.

Noise is measured in decibels (dB). The lower exposure action values are 80dB(A) and 135dB(C) peak sound pressure; the upper exposure action values are 85dB(A) and 137dB(C); the exposure limit values are 87dB(A) and 140dB(C).

The guidance covers:

- Employer responsibilities.
- Personal Protective Equipment (PPE).

**HSA**

**January 2024**

## **Chemicals in Further Education and Training (FET)**

*(Ireland)*

Published by the Health and Safety Authority (HSA), this information sheet is for Further Education and Training (FET) staff and students with the aim of raising awareness about the safe management of chemical hazards and to enable students / apprentices to recognise hazards and protect themselves during their training and future careers.

Chemicals found in FET include paints, sprays, resins, pottery glazes, cosmetic products, radon, asbestos, etc. Chemicals can be solids, liquids/mists, fumes, or gases/vapours.

Chemicals also include those that can be created during a work activity, or they can also be generated as a waste product, such as wood dust or silica dust.

Exposure to chemicals can occur if they are swallowed, inhaled or injected, or if they come into contact with the skin or eyes.

The information sheet covers:

- How to manage chemical hazards (list, assess, control).
- Do's and don'ts when using chemicals in FET.

**HSA**

**January 2024**

## **Use chemicals safely in schools**

*(Ireland)*

This information sheet has been written for primary and post primary school staff and post primary school students to raise awareness of the safe use and management of chemicals in schools. It aims to enable staff and students to recognise the dangers associated with chemicals and how to protect themselves from these dangers.

While chemicals in a school or classroom setting may be present in all areas, the information sheet suggests extra caution should be taken with the following:

- Cleaning products (e.g., detergents, floor cleaning products, etc.).
- Chemicals used in science experiments and demonstrations (e.g., solvents, reagents, etc.).
- Art, craft and design supply (e.g., art supplies, glosses, paint remover, glue, etc.).
- Technology subject supplies (e.g., 3D printing material, wood dust, soldering materials, etc.).
- Home Economics supplies (e.g., cleaning products, cooking products, etc.).

Any chemical that causes harm is referred to as a Hazardous Chemical and needs to be risk assessed.

When using chemicals in school, it is important that school staff know how dangerous the chemicals are during the life cycle of the chemical. The safety data sheet is a key tool and can be used when performing a risk assessment on the chemicals used. It is also important to ensure that the school staff read the label, use, and store the chemical product as advised to keep staff, students, and the environment safe.

The information sheet addresses how to manage chemical hazards (list, assess, control), and explains:

How to protect high risk groups.

- Do's and don'ts when using chemicals in schools.
- Understanding chemical labels.

**HSA**  
**January 2024**

## Consultations

### **Awaab's Law: consultation on timescales for repairs in the social rented sector**

The government has issued a consultation on new requirements under 'Awaab's Law', including timescales for repairs in the social rented sector.

Awaab's Law, which was introduced in the landmark Social Housing Regulation Act 2023, requires landlords to investigate and fix reported health hazards within specified timeframes.

The primary purpose of this consultation is to set those timeframes, and government is seeking views from across the sector. The new rules will form part of a tenancy agreement, so that tenants can hold landlords to account by law if they fail to provide a decent home.

The consultation proposes new legal requirements for social landlords to investigate hazards within 14 days, start fixing within a further seven days, and make emergency repairs within 24 hours. Those landlords who fail can be taken to court where they may be ordered to pay compensation for tenants.

Landlords will be expected to keep clear records to improve transparency for tenants – showing every attempt is made to comply with the new timescales so they can no longer dither and delay to rectify people's homes.

Through the measures proposed, tenants will be able to take their landlords to court if they fail to fix dangerous hazards. This builds on the progress already made to drive up standards in social housing.

New enforcement powers will also be available for the Regulator to weed out bad landlord practices – including issuing unlimited fines and entering properties with only 48 hours' notice to make emergency repairs in the most severe cases.

Following the analysis of responses, we will introduce secondary legislation to bring Awaab's Law into force as soon as practically possible.

The closing date for comments is 5 March 2024.

**Department for Levelling Up, Housing and Communities**  
**January 2024**

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