

Unity



Devon County Unison
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**"I am a revolutionary so my son
can be a farmer, so his son can be
a poet."**

John Adams

Alternative versions

If any member with special needs would like a copy of Unity in an alternative format e.g. large print, audio cassette or on floppy disc please feel free to contact the Branch office.

Welcome

Contributions are welcome in electronic form if possible (my typing is very slow and the spelling a little erratic). They should be sent to the Union Office at County Hall.

Andy Bowman

Devon County Council in Breach of Health and Safety

The Health and Safety Executive have served Devon County Council with two improvement notices.

These relate to the failure by the authority to implement the requirements of the *Health and Safety (Display Screen Equipment) Regulations 1992* both in terms of the assessment of adequate workstations for users of computers and associated equipment and the lack of training of employees. The Council has been given to September to sort this out or they may be liable for prosecution.

You need to be aware of this as the Council has been jamming more and more people into offices leading to unsafe working conditions and overcrowding. If you have any concerns about your workspace contact your Unison Health and Safety Rep. Do not suffer in silence it is your health

Revised HSE Guidance on Working with VDUs

A new edition of the guidance book 'Working with VDUs' was published on 27 June by the HSE.

If good working practices are not followed - says the HSE - Visual Display Unit (VDU) workers can end up with a variety of musculoskeletal disorders (MSDs) or other health problems.

Legislation

The new edition of Working with VDUs takes account of minor changes to the law that came into effect last September, as a result of the *Health and Safety (Miscellaneous Amendments) Regulations 2002*. It also draws more attention to the role of employees and safety representatives in taking part in risk assessments and reporting any health problems to employers.

The Health and Safety (Miscellaneous

Amendments) Regulations 2002 made a number of small changes to earlier legislation. The main change to the *Health and Safety (Display Screen Equipment) Regulations 1992* was to extend the workstation minimum requirements to apply to all workstations.

HSE Advice

The main points are to adopt a good posture, placing the mouse close so it can be used with a relaxed arm and straight wrist; to support the arm, for example on the desk surface; and to take frequent breaks and try to limit the time spent using the mouse. If users still find gripping the mouse awkward, the advice is to try a different sized or shaped mouse, or another device such as a trackball. The revised booklet also recommends using a docking station when working with a portable computer in an office environment.

Guidance

Two priced HSE guidance booklets on VDU work were published on International Repetitive Strain Injury (RSI) Awareness Day 2003 (28 February):

- 'The Law on VDUs: An Easy Guide' is aimed at small businesses and contains illustrated, practical advice on avoiding risk from using ordinary office computers.

- 'Work with Display Screen Equipment' discusses the issues in full technical and legal detail and is aimed at large firms and health and safety professionals.

Single copies of 'Working with VDUs' (INDG36 rev2, ISBN 0-7176-2222-3) are available free from HSE Books, tel. 01787 881165.

Pay freeze at sixth form colleges

UNISON members in further education are facing a pay freeze this year as sixth form colleges hit a funding crisis.

Employers met with union representatives on 24 July to explain they would not be making a pay offer this year due to their desperate financial situation.

"This is hugely disappointing especially in the light of the recent pay offers in further education colleges and higher education institutions," said Christine Lewis, UNISON's national officer in education services.

The move by sixth form colleges is at odds with the steps taken in further and higher education this year to tackle low and unequal pay and risks leaving sixth form staff at a severe financial disadvantage.

"Sixth form college employees are now the poor relation in education. Our members are very angry about this and will consider their response over the next few weeks."

The union will be lobbying the government and learning and skills councils on behalf of support staff over the coming month and will consider its response before the start of the autumn term in September.

UNISON is the main union for support staff in further education and sixth form colleges. It has over 25,000 members in the sector who work in learning support, IT, administration, cleaning, catering and estate management

Assertiveness and Communication Skills

ATTENTION ALL MEN!

You are invited to join other interested men in a 3 day course to build on your

Assertiveness and Communication Skills. (Men only)

Fridays 24th October, 31st October, 7th November, Exeter.

At the request of men in your Branch we are funding a 3 day participatory course especially for men. The course will help you to develop your self-confidence, especially in dealing with conflict assertively. You will learn how to express your needs and/or those of others, in a manner that is neither threatening nor punishing to others. It will build on your strengths and help you to both give and receive critical feedback. This course is free to UNISON members and expenses will be paid.

What have you got to lose then?
Ring the union Office to make a booking before 26th September 2003.

Bullying and Harassment at Work

Everyone should be treated with dignity and respect at work.

Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace, but if you are being bullied or harassed it can be difficult to know what to do about it.

Harassment, in general terms is:

unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race,

disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race or disability, it may be unlawful discrimination). By December 2003 there will also be protection against discrimination on the grounds of religion or belief and sexual orientation and the government has announced that legislation will be introduced with regard to ageism.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know

- ridiculing or demeaning someone — picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances — touching, standing too close, the display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, electronic (e)mail, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations

in the workplace suffer.

Responsibilities of employers

Employers are responsible for preventing bullying and harassing behaviour. It is in their interests to make it clear to everyone that such behaviour will not be tolerated — the costs to the business may include poor employee relations, low morale, inefficiency and potentially the loss of staff. An organisational statement to all staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others.

Under the Health and Safety at Work Act 1974 your employer has a legal responsibility to ensure that your health, safety and welfare at work are protected.

There is a right to mutual trust and confidence between employer and employee; and if bullying or harassing behaviour are allowed to go unchecked, that could mean that such trust and confidence is lost. Employers are usually liable in law for the acts of their workers, and this includes bullying or harassing behaviour.

The Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 make unlawful any bullying or harassment that includes elements of discrimination, for instance sexual harassment or gender related bullying behaviour.

By December 2003 there will also be protection against discrimination on the grounds of religion or belief and sexual orientation and by December 2006 on the grounds of age, following the implementation of the EU Employment and Race Directives.

The Employment Rights Act 1996 gives protection to employees with qualifying service by allowing them to claim 'unfair constructive dismissal' if they are forced to leave their job because of the actions of their employer. Such actions might include failure by the employer to deal with any complaint of bullying or harassment, or failure to protect their employees from bullying and harassing behaviour.

What can you do?

Bullying and harassment are often clear cut but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you there are a number of things to consider, including:

- has there been a change of management or organisational style to which you just need time to adjust — perhaps because you have a new manager or work requirements?
- is there an organisational statement of standards of behaviour that you can consult?
- can you talk over your worries with your personnel manager, your line manager/supervisor, union representative or colleagues, who you may find share your concerns?
- can you agree changes to workload or ways of working that will make it easier for you to cope?

If you are sure you are being bullied or harassed, let your union representative know of the problem,

Try to talk to colleagues to find out if anyone else is suffering, or if anyone has witnessed what has happened to

you — avoid being alone with the bully.

If you are reluctant to make a complaint, go to see someone with whom you feel comfortable to discuss the problem. This may be your manager, or someone in personnel (particularly if there is someone who specifically deals with equality issues), your trade union representative, or a counsellor if your organisation has suitably trained people available.

Keep a diary of all incidents — records of dates, times, any witnesses, your feelings, etc. Keep copies of anything that is relevant, for instance annual reports, letters, memos, notes of any meetings that relate to your ability to do your job. Bullying and harassment often reveal themselves through patterns of behaviour and frequency of incidents. Keep records and inform your employer of any medical help you seek.

Tell the person to stop whatever it is they are doing that is causing you distress, otherwise they may be unaware of the effect of their actions. If you find it difficult to tell the person yourself, you may wish to get someone else — a colleague, trade union official or confidential counsellor — to act on your behalf.

If you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply.

Be firm, not aggressive. Be positive and calm. Stick to the facts. Describe what happened.

If you do decide to make a formal complaint, follow your employer's procedures, which should give you information about whom to complain to and how your complaint will be

dealt with.

If you have access to a union representative or other adviser, ask them to help you state your grievance clearly, as this can help in its resolution and reduce the stress of the process. Most employers have a grievance procedure, which will be used to handle your complaint, and some organisations have special procedures for dealing with bullying or harassment. After investigating your complaint, your employer may decide to offer counselling or take disciplinary action against the bully/harasser in accordance with the organisation's disciplinary procedure.

Disciplinary procedures may also be used for disciplinary action against someone who makes an unfounded allegation of bullying or harassment.

What about taking legal action?

If despite all your efforts, nothing is done to prevent the mistreatment, you should take advice on your legal rights. If you leave and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation, and any records you have kept will be considered when it hears your claim. This is also the case in claims alleging discrimination, where you might still be employed by the organisation. Resignation may be the last resort but make sure you have tried all other ways to resolve the situation.

Where can you get help?

Additional advice can be obtained through the [Acas National Helpline](#). Advice can also be obtained from your trade union, legal advisers, Citizens Advice Bureaux and in relevant cases, the Commission for Racial Equality,

the Equal Opportunities Commission and the Disability Rights Commission (see below).

There are also bullying help lines available, such as the UK National Workplace Bullying Advice Line (tel 01235 212286), and the Andrea Adams Trust (tel 01273 704900).

Bullying help sites can also be found on the Internet — search under 'Workplace Bullying'.

It can sometimes help to read of other people's experiences and what they did about it. One such book is by Andrea Adams, called *Bullying at Work: How to confront and overcome it* (published by Virago in 1992).

Corrections and apologies

Thanks to James for this. It is nice to know that somebody reads us.

It has been pointed out that there was an inaccuracy in the July Unity under the Heading "WE HAVE A WINNER".

This relates to the Go4 is an adult service to people 20yrs+, which is available throughout Devon.

The article says 16years + which is the province of Connexions Cornwall and Devon, which is also the base from where G04 operate from as well as in the community. The Freephone number listed in the article is the one for Connexions whereas the enquiry service number for Go4 is 0845 8505070.

County Council to end the Exeter City Council maintenance agency

The County Council has decided to end the Exeter City Council maintenance agency.

It is intended that the transfer of staff and responsibility will take place on 1st April 2004. A warm welcome to those members who transfer to the Devon County Branch.

Is your employer dyslexia friendly?

10% of your colleagues are dyslexic, some of them severely dyslexic; that is a large part of your team.

Dyslexic people think, learn and work differently. They can be highly creative and bring many benefits, as well as some challenges to your organisation.

Employers often fail to support dyslexic people adequately and as a result also fail to get the best from dyslexic people

The British Dyslexia Association has developed guidelines for employers so that they can be dyslexia-wise and the Devon County Unison Branch through the Disabled Self Organised Group is campaigning to make its members employers dyslexia friendly.

If you are interested in supporting this campaign or what advice about dyslexia contact the Union Office. You are not alone there are many of us out there and as you may tell from the spelling and the sometimes strange use of English you may have noticed that your Editor is a dyslexic.

CODE OF PRACTICE FOR PRIVACY AT WORK

The long awaited code of practice on workplace monitoring has now been published. It gives guidance on the circumstances when CCTV, e-mail, phone and web monitoring may be permitted, and the safeguards which employees are entitled to. Employers are likely to be breaking the law if they ignore the recommendations.

Employers are allowed to monitor workers, but they should be told if they are being monitored and how this will be done. Just saying (for example) that e-mails may be monitored is not enough, and it should be made clear when information is likely to be obtained, why it is being obtained, and how it will be used.

Organisations should carry out an impact assessment before monitoring to weigh up the balance between benefit to the business and intrusion into privacy. If comparable benefits can be obtained with lesser intrusion, the least impact approach should be used.

Covert monitoring is unlikely to be justified in anything but the most extreme circumstances, and information acquired through monitoring should only be used for the purpose for which the monitoring was carried out. It should be kept secure with only one or two people having access to it. *A guide to "Privacy and Surveillance at work" is available from the Bargaining Support Group or on www.unison.org.uk/bargaining/guides.asp*

TIME OFF FOR LEARNING REPS

The Arbitration service ACAS has released an updated version of its code of practice on "Time Off for Trade Union Duties and Activities".

This incorporates the new legal rights for Union Learning Representatives to have paid time off to train and a reasonable time away from their jobs to carry out their duties. The code of practice is available on the ACAS website at www.acas.org.uk/publications/pdf/cp03.pdf

MINIMUM WAGE TO RISE ON 1 OCTOBER, 2003

Changes to the national minimum wage rates, to take effect from 1 October, 2003.

- a main rate of **£4.50** an hour for those 22 and over
- a 'development' rate of **£3.80** an hour for those 18 to 21
- a 'development' rate of **£3.80** an hour for those who have reached the age of 22, and have started a new job with a new employer, and are taking part in **accredited** training. This rate can only be paid for the first six months of a new job, after which the worker must get at least the standard minimum wage of £4.50 an hour. (currently £3.60)

Any worker in the UK **aged 18 or over**, is entitled to be paid the national minimum wage. This includes agency workers, homeworkers, piece workers, temporary and casual employees, and those on fixed-term or freelance contracts. The minimum wage covers foreign workers working

temporarily in the UK. A worker does not need a written or oral contract of employment to qualify for the minimum wage.

There is no qualifying period. Workers are entitled to the minimum wage from the start of their employment.

There are no variations or exclusions based on region, size of employer, industrial sector or occupation. Workers cannot be excluded on the basis of their hours of work, employment pattern, length of service or contract status.

RETIREMENT AND AGE EQUALITY

Plans to end age discrimination have just been announced. Employers, training organisations and trade organisations will be banned from treating people differently on the basis of age in most circumstances, and the age at which workers can be forced to retire will be raised to 70. The new law will come into force in October 2006.

Although the measure has been broadly welcomed, unions have expressed concern that unscrupulous employers will try to use it as a way out of their pension scheme problems. Some employers are already trying to extend the normal retirement age so workers pay more contributions to cover shortfalls in their pension schemes.

The government itself is considering incentives for people to delay taking the state pension for 5 years, and raising the normal pension age for all new public sector workers.