

Advice for BECTU H&S representatives re Fire Brigade Union industrial action

Introduction

The potential absence of professional fire-fighters has serious implications for our members. This information sheet is designed to assist H&S representatives in advising BECTU members of their entitlement to not be placed at risk by their employer. In considering the advice issued to members regarding the FBU strike, it is necessary to take account of the following:

1. The increased hazards resulting from the non-attendance of the Fire Service during any such period of industrial action.
2. The risks caused by the hazards identified.
3. Those persons at risk.

Some workers will be more at risk than others, due to the nature of their work. For example, work involving hazardous substances is clearly a higher risk activity than general clerical work, particularly as the emergency cover provided by the armed forces will not have the level of expertise, training, experience or equipment possessed by professional fire-fighters.

Fire safety checklist

It is necessary to take account of the different hazards apparent on a workplace-by-workplace basis in the event of industrial action by the FBU. To this end, it may be prudent to use a checklist, broken down into the following categories:

1. Workplace 'geography' and environment – to take account of the size, height and nature of the workplace environment, particularly with regard to the limitations of the emergency cover provided by the armed forces. For example, work above the second floor needs to be assessed, as the equipment carried by a Green Goddess is not capable of reaching as high as the equipment carried by a modern fire appliance.
2. The nature of the work process – to take account of activities with risks of fire, road traffic accidents, chemical, biological or radiation accidents, or from persons becoming trapped in machinery, under collapsed structures, at height, or in confined spaces. For example, work with hazardous substances needs to be assessed, as the emergency cover provided by the armed forces does not carry the range of fire-fighting materials that professional fire-fighters have available to them.
3. Electrical and electronic hazards – to take account of high-risk activities involving electrical equipment, and also the nature of modern fire safety systems, many of which are electronic, automated or computerised. For example, the emergency cover provided by the armed forces only carries water – not much use on an electrical fire.
4. Emergency procedures – to take account of any changes to emergency and evacuation procedures that may be required to ensure the safety of both workers and members of the public. For example, it is inevitable that the response time of the emergency cover provided by the armed forces will be slower than that of professional fire-fighters – this will bring into question the use of refuge areas for disabled or infirm persons.

Once the checklist has been completed, it will be possible to identify the nature of the hazards, those persons at risk, and an appropriate response to the risks identified. This will enable workers and their H&S representatives to ensure that their employer has taken suitable and sufficient measures to eliminate or control the risks apparent, and to ensure the safety of their employees and any other persons at risk. This

is part of an employer's statutory 'duty of care'.

For ease of reference, a simple fire safety checklist for use during any industrial action by the FBU is shown below (this can be copied for use in your workplace – please forward a completed copy of this checklist to your National Official at Head Office).

| | Increased hazards caused by fire-fighters strike. | Risks caused by hazards identified. | Persons at risk. |
|---|--|--|-------------------------|
| Workplace 'geography' and environment. | | | |
| Nature of work process. | | | |
| Electrical/electronic process. | | | |

| | | | |
|-----------------------|--|--|--|
| | | | |
| Emergency procedures. | | | |

Competent persons

In certain circumstances, it may be necessary to seek the advice of the employer's designated competent person. For example, in an evacuation caused by the fire alarm being set-off, it would be inappropriate for a person unfamiliar with alarm systems to advise on whether to return to the workplace – a competent person, such as an alarm engineer or a Fire Marshall should issue this advice.

Similarly, if the lifts within a workplace cease working, it is a lift engineer who should issue advice on whether the lifts are safe to be used – after all, you would not expect your local butcher to carry out open-heart surgery. The same principle applies to other areas of expertise.

Advice to members

The advice issued to workers must be consistent, and based upon the employer's statutory duties towards their employees and others who may be affected by the employer's undertaking. It may be useful to consider the relevant Regulations, so as to ensure all necessary requirements are met. However, it is important to keep any advice issued as simple and uncomplicated as possible. Some of the Regulations to take account of are set out below.

The Health and Safety at Work Act 1974

The enabling Act under which Health and Safety Regulations and Statutory Instruments are issued. Specific attention should be paid to Section 7, which places a duty on workers not to place themselves, or those working around them, at risk.

The Fire Precautions (Workplace) Regulations 1997

Fire-fighting and fire detection

4. - (1) Where necessary (whether due to the features of a workplace, the activity carried on there, any hazard present there or any other relevant circumstances) in order to safeguard the safety of employees in case of fire -

- (a) a workplace shall, to the extent that is appropriate, be equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and
- (b) any non-automatic fire-fighting equipment so provided shall be easily accessible, simple to use and indicated by signs,

and for the purposes of sub-paragraph (a) what is appropriate is to be determined by the dimensions and use of the building housing the workplace, the equipment it contains, the physical and chemical properties of the substances likely to be present and the maximum number of people that may be present at any one time.

(2) An employer shall, where necessary in order to safeguard the safety of his employees in case of fire -

- a. take measures for fire-fighting in the workplace, adapted to the nature of the activities carried on there and the size of his undertaking and of the workplace concerned and taking into account persons other than his employees who may be present;
- (b) nominate employees to implement those measures and ensure that the number of such employees, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the workplace concerned; and
- (c) arrange any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting.

The Management of Health and Safety at Work Regulations 1999

Risk assessment

3. - (1) Every employer shall make a suitable and sufficient assessment of -

- (a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

(2) Every self-employed person shall make a suitable and sufficient assessment of -

- (a) the risks to his own health and safety to which he is exposed whilst he is at work; and
- (b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

(3) Any assessment such as is referred to in paragraph (1) or (2) shall be reviewed by the employer or self-employed person who made it if -

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates; and where as a result of any such review changes to an assessment are required, the employer or self-employed person

concerned shall make them.

(4) An employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5).

(5) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of -

- (a) the inexperience, lack of awareness of risks and immaturity of young persons;
- (b) the fitting-out and layout of the workplace and the workstation;
- (c) the nature, degree and duration of exposure to physical, biological and chemical agents;
- (d) the form, range, and use of work equipment and the way in which it is handled;
- (e) the organisation of processes and activities;
- (f) the extent of the health and safety training provided or to be provided to young persons; and
- (g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC on the protection of young people at work.

(6) Where the employer employs five or more employees, he shall record -

- (a) the significant findings of the assessment; and
- (b) any group of his employees identified by it as being especially at risk.

The Management of Health and Safety at Work Regulations 1999

Procedures for serious and imminent danger, and for danger areas

8. - (1) Every employer shall -

- (a) establish and where necessary give effect to appropriate procedures to be followed in the event of serious and imminent danger to persons at work in his undertaking;
- (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation from premises of persons at work in his undertaking; and
- (c) ensure that none of his employees has access to any area occupied by him to which it is necessary to restrict access on grounds of health and safety unless the employee concerned has received adequate health and safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that sub-paragraph shall -

- (a) so far as is practicable, require any persons at work who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;
- (b) enable the persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger; and
- (c) save in exceptional cases for reasons duly substantiated (which cases and reasons shall be specified in those procedures), require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger.

(3) A person shall be regarded as competent for the purposes of paragraph (1)(b) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures referred to in that sub-paragraph.

