

Norman Smith Director Safety
Royal Mail Letters HQ

Dear Norman,

TEMPORARY AND AGENCY WORKERS IN ROYAL MAIL (PLAN TO RECRUIT 30,000 TEMPORARY STAFF) - HEALTH & SAFETY.

None of us will have missed Royal Mail's high profile announcement through the media, on Sunday, of the plans to recruit an army of 30,000 temporary staff, doubling the number normally recruited this time of the year, in order to both deal with the seasonal build-up of mail in the run-up to Christmas as part of the operation that successfully delivers the Christmas mail as well as to help clear any mail backlogs caused by the impending national strikes.

Be that as it may and I have no interest in debating the Industrial issues behind Royal Mail's decision on recruiting this number of temporary staff as our General Secretary and Deputy General Secretary are more than capable of doing that and it's not my area of responsibility. My concern is the crucial issue health and safety legal compliance in relation to these temporary staff and I foresee widespread legal non-compliance, safety law breaches and risk taking.

Royal Mail's announcement yesterday stated that there would be double the number of temporary staff recruited this year and they'll be employed much earlier in the autumn which potentially means double the problems for double the amount of time, health and safety wise. The announcement also said that these temporary staff would be "fully vetted" and "fully in line with all employment law". Forgive me for being so skeptical but if Royal Mail's past record is anything to go on, I cannot see that happening.

You will of course I know that I have spoken to you, Ian Stockdale Royal Mail Letters Head of CSR, the late Allan St John-Holt former Royal Mail Group Head of Safety and to Mark Dawson HSE about this issue.

I would request that you and Keith Scott Royal Mail Group Head of Safety both advise the Royal Mail Group and Royal Mail Letters Boards on their legal duties in relation to employing temporary staff as follows:

Co-operation between the Agencies and the employer Royal Mail on Health and Safety is essential. The same standards and same legal duties regarding Health and Safety Risk controls and compliance apply to Agency staff as they do to full time Royal Mail staff.

The Agency workers should be provided with relevant information about risks and the procedures to control those risks before the placement starts, which can help the Agency offer candidates with appropriate training, qualifications and experience.

It is important that Royal Mail as the employer assesses the workers' suitability and competence at the outset of the placement. Royal Mail as the employers must also consider: -

- what health and safety training the temporary worker needs
- who will provide it
- who will provide personal protective equipment (PPE) if required (Royal Mail or the Agency)
- checking that temporary workers have understood the training and are continuing to follow procedures correctly (this may require providing these requirements in other languages)

If full time employees get PPE such as protective clothing and footwear then the Agency workers will also require the same standard of PPE if they are exposed to the same risks, free of charge. Royal Mail must stipulate to the Agencies the standard of protective footwear, clothing and other PPE that the Agency staff should bring along with them when they attend for work for Royal Mail, if the Royal Mail Office concerned is not themselves going to provide it and if this requirement must be notified by Royal Mail to the Agencies being used to provide the temporary staff.

Co-operation between Royal Mail and the Agencies should continue throughout the placement. Royal Mail and the Agencies must not 'assume' that one or the other is taking care of health and safety communications.

The host employer (Royal Mail) must ensure that people working on their premises or on the streets who are Agency staff, directly recruited temporary staff or self-employed or who work for other contractors receive relevant safety information and wear correct PPE e.g. hearing protection, eye protection, head protection, foot protection, weather protection etc. This can be done by providing them with information directly or providing it to their employers, in which case the host employer Royal Mail must check that the information and requirements are passed on. Managers should be aware of relevant legislation and should be competent to manage health and safety effectively. All employees, including senior management, should receive relevant training, information, instruction and supervision where required in order to manager temporary staff effectively.

Depending on the risk assessment either Royal Mail as the employer or Agencies may need to carry out health checks for the workers concerned.

Royal Mail must control the risks to health and safety that arise from the work activity, and make provision for welfare for all these employees. Arrangements need to take account of such things as who does the work, what training and supervision is needed, what equipment and materials are being used, where the work is being done and so on. In particular Royal Mail must ensure that what needs to be done is done. Royal Mail must also ensure the health and safety of others who may be affected by the work.

There are legal duties imposed on those who have control of premises which are used by people at work and 'premise' includes any place where work is done. This could be out on the streets, on location or in a part of a building.

The Working Time Regulations set out working hours and workers' entitlement to rest breaks and to holidays. Royal Mail will need to check if the workers work elsewhere as their total hours could exceed the limits set.

Royal Mail should agree at the beginning of the placement with Agencies who will be responsible for any RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995), accident reports in respect of Agency workers and ensure that information will be exchanged so that the relevant forms can be completed. In any event the ERICA incident report form must be completed.

Apart from Royal Mail, the temporary employees have to be training, instructed and given instruction and supervision regarding their duty to take care of themselves and other people they work with and others who may be affected by their work, and to co-operate with their employer. Contractors or those who are self-employed must take care of their own health and safety and also that of anyone else who might be affected by their work whilst they are on the premises. Typically, manual handling, slips & trips, dog attacks, use of trolleys, cycles are common causes of delivery injuries risks are amongst those Royal Mail will need to ensure all reasonable steps

are taken to protect the safety of temporary workers by ensuring the working environment and work methods are fit for purpose and safety rules are taken seriously.

Turning to concerns centred on questions regarding Royal Mail's health and safety responsibilities regarding temporary staff drivers and occupational road safety. I have discussed this matter with you and Keith and Ian previously on several occasions and written to you several times previously also. There were 5 serious road accidents involving temporary LGV drivers in 2007 and I am not convinced that the problem has been addressed.

Royal Mail must ensure that these Agency, temporary people are adequately qualified, fit, healthy and competent to drive the vehicles concerned and that they are not working excessive hours and driving for excessive periods and distances for Royal Mail and other employers in combination.

There is also the problem of Temporary staff using their own private cars on delivery without Business use insurance cover and without checks on the roadworthiness of their cars and no checks on the individual's drivers licence, Insurance, Tax, MOT etc. We have already seen one Agency worker stopped by the Police whilst using his private car on delivery and found to be driving without a licence, insurance, tax and MOT.

Employers owe the same duty of care under health and safety law to staff who drive their own vehicles for work as they do to employees who drive Royal Mail owned, leased or hired vehicles. The duty of care for Staff who drive under normal circumstances and travel extensively covering a programme of deliveries and collections rests initially with the employer under the HSAW Act 74 and the MHSW Regs 99 and PUWER 98 (in relation to the private Vehicle used). There are also duties to ensure Highway Code compliance and compliance with both EU and Domestic Drivers Hours Rules.

More people are killed and injured whilst driving at work than in any other work activity and a third of the annual road deaths a year in the UK are "at-work drivers" and there is increasing recognition by Government, Police, VOSA and HSE that company policies and practices are a factor in crash involvement. Work-related safety is a key issue and Royal Mail will to be held accountable for failings in managing occupational road safety where it can be shown that they have failed to properly assess and manage the risks created by their work activities on the road and also in relation to other motoring and health and safety offences on the road, for example where the Royal Mail failed to ensure that the vehicle involved was in a safe condition or the scheduling was unreasonable. Royal Mail must ensure that there are no failures in their employer/corporate liability duties. The HSE Guidelines, "Driving at Work", states that "health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system however, as we know only too well in Royal Mail this isn't always enforced with temporary, Agency Drivers!

Health and safety law requires Royal Mail to ensure the health, safety and welfare at work of employees and temporary staff and to ensure that Royal Mail does not expose the public and other road users to health and safety risks. These duties apply in circumstances where workers use or drive Royal Mail or Private motor vehicles as part of their work. Royal Mail must therefore ensure that health and safety risks associated with the use of motor vehicles are identified and that

suitable precautions are employed to minimise the risk of full time, part time and temporary workers or others being injured.

I therefore trust that you can ensure and provide assurances to the CWU, Police, HSE and VOSA that the above requirements will be met in full.

Yours Sincerely

Dave Joyce
National Health, Safety & Environment Officer

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