

## Fighting Work Hazards — Next Five Years

"In just one term, the Conservatives:

- abandoned routine safety inspections
- slashed the Health & Safety Executive's budget by well over a third
- pimped out the HSE to commercial interests
- killed off HSE's medical division
- stacked the HSE board with industry stooges
- pulled the teeth of the gangmasters' watchdog
- priced sick and injured workers out of compensation claims
- made employment tribunals pay-per-go
- removed key legal safety protections
- told business that health & safety was a burden they shouldn't be bothered by.

If you think that's bad, wait to see what they have in store..."

These are the words from the Hazards poster on this page. Use this poster (from <http://www.hazards.org/gallery/willwesurvive.htm>) and the Twitter feed #OHSforTories, to get others aware and involved in defending rights we do have now.

### Shocking Current Plans

We now see plans in the Trade Union

Bill to limit trade union rights to strike and represent members, particularly in the public sector which is already severely cut and under attack, now to be cut by a staggering 40% more. Studies show nurses, paramedics, teachers and others suffer unprecedented stress levels. As the Bill's definition of "public sector" covers any groups funded wholly or partly from public funds, this could reach well beyond what is usually taken as public sector to cover everything from housing associations and charities to the TUC.

As for safety reps, the Bill also includes making it possible for the government to amend the Health & Safety at Work Act to restrict safety reps' rights to Time Off to represent members; and a duty on public sector employers to record all time taken and facilities provided to safety reps; and an ability to cap the amount of Time Off for reps. This is despite massive evidence that safety reps and unionised workplaces save money and lives, and recent research to show that cutting back on safety reps could threaten productivity. The Bill would make it possible to amend safety laws for the worse.

### Denial of Access to Justice

The cost of taking a case to court has shot up, which will mean less, or no, access to justice. On 9 March 2015 court fees were increased for money claims; for claims worth more than £10,000 the new fee is 5% of the value of the claim. For claims more than £200,000 in value, the fee is now £10,000. The maximum court fee before these enhanced court fees were introduced was £1,920. This represents a staggering **420% increase**. The increase in fees will affect all litigants and will have a detrimental impact on a number of court users, affecting individuals, organisations and businesses.

Those affected by a personal injury, who will often be of limited financial means, will undoubtedly struggle to afford the extra court fees. The increase in court fees will deter some victims of personal injury from pursuing a claim for compensation, put off by the price of litigation. Small businesses chasing debts will not be able to pursue them. The rise in charges will make England and Wales one of the most expensive jurisdictions in the world to bring civil claims.



The Government in its Impact Assessment issued in January 2015 cites that there will be no detrimental impact on access to justice from any increase in court fees. However, the Civil Justice Council expressed grave concern that the increase in fees will have "potentially far-reaching and damaging consequences for access to justice". The Judiciary of England and Wales issued a response where it expressed concern that the research evidence carried out in 2013 and 2014, upon which the Government based these increases, was too insubstantial. The sample questioned was tiny and moreover, just 12 of the 2014 research interviewees were pursuing claims above £10,000, which is the area where the major increases have been made.

The Law Society president, Andrew Caplen commented "It cannot be right that the government has based a decision with such wide ranging consequences on limited small-scale research and scant evidence. The phrase 'false economy' does not even begin to describe this disastrous announcement from the government."

BUT **PTO** for a good news campaign victory on this topic...



### Campaign victory but more needed

The Asbestos Victims' Support Groups Forum UK (of which our Asbestos Support West Midlands is part) successfully lodged an application for judicial review against the way court fees as outlined overleaf were levied against mesothelioma victims, saying they were unlawful. The government agreed to points raised before the hearing came up, and will lay a statutory instrument before parliament to change the rules.

This does not mean that mesothelioma victims will pay nothing. According to the Forum: "...claimants can receive remission from paying court costs if they are on a low income and they do not have more than £16,000 in capital. Since most mesothelioma sufferers are paid approximately £16,000 in statutory compensation they would not be eligible for remission of court fees. The Government have accepted that this was wrong and are amending the remission fee order so that statutory payments are not treated as capital. This change is effective from 3 July 2015."

### Get involved

It's clear that the next 5 years will involve having to defend, where possible, existing rights, which means that it will not be enough to sit back and ignore what is happening. Those who don't want rights to a safe workplace to disappear will have to stand up and be counted. Amongst all the general cutbacks, it's easy for health and safety to be invisible, especially as it has come to look like a specialist area. It's not: all of us could face deaths and injuries within our own families and workplaces, and many more face increased stress and deteriorating conditions at work. West Midlands Hazards Trust is now working with the Midlands TUC to co-ordinate efforts to defend our rights to safe jobs and for union reps to organise effectively.



### What is Safety Net?

'Safety Net' is the Hazards Trust's project aimed at providing resources for those most vulnerable to work hazards, and a platform for those in the West Midlands who want to prevent work hazards and reduce the number of people killed & injured by work. Our website [wmsafety.net](http://wmsafety.net) was initially funded by Awards for All, the small grants section of the Big Lottery Fund. Please visit this, the Trust's website for Safety Net, and tell others about it. We also have begun to use Facebook so supporters can now ask to join [Safety Net West Mids](https://www.facebook.com/SafetyNetWestMids) as Facebook Friends.

### Asbestos Support West Midlands

WMHT's other project is Asbestos Support West Midlands, which also has a website [asbestosupportwm.org](http://asbestosupportwm.org) and its own newsletter. Its latest public event was Action Mesothelioma Day on 3rd July, with local bereaved families and speakers from around the world.



*Dove release on Action Mesothelioma Day in Chamberlain Sq, B'ham*

### Dates for your Diary 2015

**WMHT AGM: Tues 13th Oct 6.15pm**  
**Members & supporters welcome to:**  
**Annual General Meeting of West Midlands**  
**Hazards Trust at: Irwin Mitchell, Imperial**  
**House, 31 Temple St, Birmingham, B2 5DB**  
**Speaker: Hillary Cross on Chemical Hazards**

**Sat 7th Nov, Aston University 1.30pm**  
**Annual Tim Field Memorial Lecture**  
**Speaker: Keith Munday on Surviving Bullying**  
**at Work**

**Sat 28th Nov to Sun 29th Nov**  
**Stress Network Annual Conference at Hill-**  
**scourt Conference Centre, Rednal, B45 8RS**  
**Book your place on Work Stress Network**  
**website [www.workstress.net](http://www.workstress.net)**

### I/we want to support the work of the West Midlands Hazards Trust:

- ✓ I would like to join the West Midlands Hazards Trust  
☐ £12 waged ☐ £5 unwaged ☐ £50 branch affiliation  
☐ I/we would like to make a donation towards WMHT

(Please make cheques payable to the West Midlands Hazards Centre)

- ☐ I would like to sign up for the email list and receive regular updates on the work of West Midlands Hazards Trust

Name: .....  
 Address: .....  
 Telephone: .....  
 Email: .....

I enclose a cheque for £\_\_\_\_\_

### The West Midlands Hazards Trust

The West Midlands Hazards Trust  
 138 Digbeth, Birmingham, B5 6DR  
 Email [hazardsinfo@wmht.co.uk](mailto:hazardsinfo@wmht.co.uk) Telephone: 0121 678 8853

