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INDEPENDENT INVESTIGATION INTO WORKING CONDITIONS, ARRANGEMENTS AND FACILITIES FOR NSL TRAFFIC ATTENDANTS IN BELFAST

green house 191 albertbridge road belfast bt5 4pu

T – 028 90739043 F – 028 90459060 E – office@stanleygibson.com www.stanleygibson.com

STANLEY GIBSON PARTNERSHIP
 HEALTH & SAFETY CONSULTANTS
 GREEN HOUSE, 191 ALBERTBRIDGE ROAD,
 BELFAST BT5 4PU
 TEL - 028 90 739043 - FAX - 028 90 459060
 e mail – office@stanleygibson.com
www.stanleygibson.com

1.0 SUMMARY

1. The complaints raised by the traffic attendants give rise to serious breaches of health and safety regulations, particularly the Management of Health & Safety at Work Regulations and the Personal Protection Equipment at Work Regulations and Workplace, Health, Safety and Welfare at Work Regulations in respect of the base premises and the health and safety matters relating to operations.
2. To date there has been no information forthcoming from NSL Services regarding their safety management procedures and information explaining how their systems are set up and managed.

2.0 INVESTIGATION METHOD

1. The investigation and report was undertaken by Stanley Gibson, Principal.
2. Representatives from the traffic attendants were met at NIPSA headquarters on the 26 May and 10 June 2009 to investigate the problems and complaints. A meeting took place with James Fraser, Area Manager, NSL Services, on 5 June 2009 at which time the premises at Montgomery Street were visited and Mr Fraser presented a review of the safety management procedures in place.
3. To date there has been no opportunity to view the NSL health and safety documentation.

3.0 MATTERS ARISING

WHSWR - Workplace Health & Safety at Work Regulations
 PPEWR – Personal Protection Equipment at Work Regulations
 MHSWR – Management of Health and safety at Work Regulations
 PUWER – Provision and Use of Work Regulations

POINT OF COMPLAINT	DETAILS	ACTIONS WHICH SHOULD BE TAKEN, APPLICABLE STANDARDS
BASE FACILITIES		
1. Cleaning premises.	Premises generally not clean properly, particularly toilets and waste not removed. The cleaning facility came from NCP on an ad hoc basis.	There should of course be effective cleaning (WHSWR).
2. Ventilation in the toilet and changing area.	Removal of odours was not effective, ventilation was said to not be working in spite of reporting on this.	Effective ventilation is required (WHSWR).

3. Toilet facilities.	Considered to be not enough toilets for number of staff.	At peak times of staff in the base – upwards to 50, toilets would not be sufficient in number – one more required for both male and female (WHSWR).
4. Rest area.	The rest / canteen facility was common space with work area for TA's.	Rest area should be separate from the work area. (WHSWR)
5. Facilities for preparing food – kettle, microwave oven etc.	Insufficient facilities for upwards to 30 people at any one time.	Facilities not adequate. (WHSWR)
6. Storage facilities for clothes etc. - insufficient lockers.	TA's reported that during their time of employment they were not provided with locker or adequate storage facilities.	Individual storage facilities should be provided. (WHSWR)
7. Drying facilities poor.	One tumble dryer provided.	Drying room / facilities should be provided (WHSWR).
8. Emergency procedures – first aid.	No formal arrangements.	There should be formal arrangements – name of appointed person or trained first aider, location of first aid facility. (First aid at Work Regulations)
9. Fire safety, practice evacuation, precautions.	No emergency procedure displayed, no emergency evacuation procedure practiced or explained or trained on.	Fire risk assessment for the premises should set out the safe conditions and effective training and procedures in place (Fire Services Order) (MHSWR).
10. Car park – entrance slippery surfaces	Several accidents were reported together with the general conditions under foot when surfaces wet, other than verbal warning from TL this matter was not dealt with.	The employer's duty is to make sure that the obvious risks are dealt with, many measures could have been taken, at the very least suitable hazard warning signs, more particularly dealing with the hazard at source (WHSWR)
11. Work wear	Uniform – not watertight, poor construction. There was a delay in employees receiving the outdoor clothing for up to 1 year after start of service. Similarly there was a long delay in providing waterproof trousers.	Suitable for purpose and compatible with individual requirements within reason should have been the conclusion of a personal protection equipment risk assessment procedure (PPPWR).
	Footwear – this was of a style which did not give full protection against wet conditions with an elasticated side letting water in, again no response to complaints.	As above
	Equipment belt – no serious issues mentioned but there is no consideration of suitability of an equipment belt and weight to suit the person.	As above
12. Radios.	<ol style="list-style-type: none"> 1. Reliability of radios was questioned and never properly resolved to the satisfaction of TA's, particularly batteries being charged fully for the shift. 2. Radio black spots and hence code red system ineffective. No mobile phone back up provided. 3. Audible broadcast from TL to TA in threatening situation on street – should have been dealt with by personal ear piece receiver. 	<ol style="list-style-type: none"> 1. This whole matter of radios and the emergency use and procedure should be the conclusions of a risk assessment on potential violence and threatening behaviour and lone working and a written procedure issued to TAs. (MHSWR). 2. There should be formal training in threatening behaviour as per door staff, care workers etc to an accredited level.

13. Work in West Belfast and other high risk areas (Holywood)	1. TA's reported that risk assessments were ad hock, based on a drive around west Belfast and the 2 person and car back up system introduced. Holywood incident not resolved with reference to code red system would be ineffective. 2. Police apparently supposed to be notified of TA's in the area and it came to the notice that the local Police have not been notified.	As 12 above.
14. Night duties.	1. Complaints about radios being ineffective between 2 staff. 2. Code red system ineffective. 3. No mobile phones issued. 4. No training in this work environment. 5. TA photographed in Sandy Row after an incident and no regard given to alternative duties.	As 12 above.
15. Driving	Training has been inconsistent for scooter, bicycle use and car driving – car driving in this day and age should have a formal system of checking driver ability, vehicle safety.	PUWER. The rigorous requirements for selection of equipment and suitable for the task, training, checks and maintenance have clearly not been met.
TL supervision.	TL apply a dictatorial management approach. No response to complaints, no feed back. Stressful situation, no support from employer, TL's not supportive.	There should be a stress at work procedure system, directed by a management approach. (MHSWR

4.0 CONCLUSION

1. I have taken the opportunity to make concluding remarks on the details of the compliant from TA's and which were previously copied to you.
2. The facilities at the old base in Montgomery Street as I saw on the day of the visit were not suitable for the number of TA's likely to be present there. Given the nature of the work the facilities for changing and personal storage were not compliant with the Workplace Health, Safety and Welfare Regulations at Work concerning employee facilities. There are clear requirements for a number of the matters complained about.
3. Regulation 6 – Ventilation – to provide fresh air – not effective or not working in the inner offices.
4. Regulation 9 – There is a requirement to keep the workplace tidy – all reports indicate that a clean and orderly state was not maintained, particularly in the toilets and for collection and disposal of waste as many of the photographs indicated.
5. Regulation 12 – The problem with the slippery surface in the car park when wet was not dealt with and it was said that this was not NSL's responsibility. This is most certainly NSL's responsibility in that they are aware that it is a risk which has to be faced by the TA's. This matter should have been effectively remedied.
6. Regulation 21 – Given the number of TA's who might be present at the base there are an insufficient number of toilets.

7. Regulation 23 and 24 – Puts a requirement on the accommodation for clothing and for changing facilities, again all indications are by the size of the premises and the lack of lockers for each person means that these requirements were not complied with.
8. Regulation 25 – Sets out the requirements for rest and meal breaks. In this regard the facilities overlap with working area which is not acceptable and similarly the facilities for preparing food and drinks in the kitchen area were badly under resourced given the numbers of people there.
9. Health and safety with regard to the operational risks comes under the Management of Health & Safety at Work Regulations, also I have yet to see any detailed consideration of the Personal Protection Equipment at Work Regulations, in particular the work-wear was not suitable for wet working conditions – footwear, trousers and coats.
10. The above regulations clearly set out to provide suitable health and safety control measures in relation to risk assessment for the work and employees informed and trained and made aware of the risk assessments.
11. No such information is reported on by the TA's nor at this time has NSL provided such although this is said to be available soon.
12. The main points for concern relate to the potential for violence. I am most surprised that the arrangements appear to be very casual. In particular I was most concerned about the lack of coherent approach to code red, radio black spots and working in high risk areas of the city without notification to PSNI.
13. I have asked the TA's about what training for health and safety that they have been presented with and the response I was looking for was formal safety induction, training based on the health and safety risk assessment and simple matters like emergency procedures for the base premises (fire, first aid). Given the nature of the job there should be recognition of work related stress and there has been no consideration of this.
14. I would also be critical of the management style in that TL's had an unfavourable approach to safety management, problems and complaints were not effectively responded to, as a consequence the complaints not resolved.
15. The conclusion is that there are serious breaches of Health and Safety Law..

Stanley Gibson
17 June 2009