

Professor Tim Jones,
Provost, University of Birmingham
Edgbaston
B15 2TT.

11 July 2022.

By Email Only

Dear Professor Jones

RE: Health and Safety concerns over workload levels at the University of Birmingham

On behalf of UCU I would like to record our serious concern about the University's stated view that workload is not for discussion as a Health and Safety issue.

This position was taken in a Health and Safety consultation meeting on 9 June, by Professor Mark Sterling who, I understand, refused to engage in any discussion whatsoever over workloads on the grounds that it does not fall within the Health and Safety remit. HR Director, Gillian McGrattan, confirmed this position at our Joint Negotiation and Consultation Committee meeting on 21 June when you were in attendance.

This is very troubling.

I am sure I don't need to remind you that under s. 2(1) Health and Safety at Work etc. Act 1974 (HASAW) it is *'the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees'* and that under s. 2(2)(e) HASAW this duty extends to *'the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.'*

In a university context workload is clearly one of the most important issues relating to employees' welfare at work. It has clear implications for the mental wellbeing and the health and welfare of university employees. In our view it is most likely the highest risk factor in our members' working lives.

The Health and Safety Executive (HSE) has published clear guidance on this matter, in its publication, *Tackling workplace stress using the Management Standards Approach*. This can be found here: <https://www.hse.gov.uk/pubns/wbk01.pdf>

This document makes clear that:

- Work-related stress is a major cause of occupational ill health which can cause severe physical and psychological conditions in workers (p. 3)

- HSE statistics show that work-related stress is a significant issue with more than 15.4 million working days lost as a result of stress, anxiety or depression at a conservative estimated cost of £5.2 billion to industry, individuals and the government. (p. 3)
- Health and safety legislation requires employers to assess the level of risk from hazards in the workplace and to take all reasonably practicable measures to prevent or sufficiently reduce that risk (p. 3)
- The Number 1 Management Standard identified by the HSE in its list of primary sources of stress at work is:
 DEMANDS: 'Includes issues such as workload, work patterns and the work environment.' (p. 4).

In light of this evidence the University's refusal to acknowledge that workload might be a Health and Safety matter is both alarming and hugely disappointing.

For the avoidance of doubt, UCU does not accept the University's claim that workload is not properly to be regarded as within the Health and Safety remit. Indeed, we fear that, if it continues to deny the Health and Safety impact of workload on the well-being of its staff, the University risks breaching its legal duties under HASAW.

In reliance on those legal duties the union now calls on the University to carry out a full risk assessment on workload under the Management of Health and Safety at Work Regulations 1999.

As you may know, the HSE has provided a free-to-use toolkit that helps employers prepare for and conduct an appropriate risk assessment and offers recommendations for what to do when the results have been obtained. In case it is of assistance and for your ease of reference the HSE's step-by-step guide can be found here: <https://www.hse.gov.uk/pubns/wbk01.pdf>

Consultation of UCU Safety Reps

In conducting such a risk assessment the University is required to consult employees and the HSE advises that you do so by involving the recognised trade union(s), in this case, UCU.

As you know, UCU has in place a number of safety reps. For the sake of efficiency, it makes sense that the consultation should be done through them and in accordance with s.2 HASAW which requires the University to consult with our safety reps *'with a view to the making and maintenance of arrangements which will enable him [the employer] and his employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees, and in checking the effectiveness of such measures.'*

Furthermore, the Safety Representatives and Safety Committees Regulations 1977 require employers to consult union Safety Reps:

- *to investigate potential hazards at the workplace* – [including workload for the reasons set out above]

- *to investigate complaints by any employee he represents relating to that employee's health, safety or welfare at work – [we have very many workload complaints from members that we need to represent]*
- *to carry out inspections – [including about workload]*
- *to receive information from your safety inspectors – [including over how workload is managed and relevant risks are assessed]*

Accordingly, as part of a workload consultation, we would expect to be provided with information regarding how workload is currently managed across the University, including copies of the workload models that currently exist across the institution. An overview of how these were designed, and the ways in which they seek to ensure that workload-related risk is managed would also be required to inform any serious discussion.

We are hopeful that, on the basis of the statutory duties set out above, we will together be able to establish and maintain a robust and effective process of workload-related risk assessment to the benefit of both parties.

I look forward to hearing from you as soon as possible.

Yours sincerely,



Anne O'Sullivan
UCU Regional Official West Midlands

cc Prof. Tim Jones, Provost
Gillian McGrattan, Director of HR
David Bailey Branch President BUCU