

Health & Safety at Work Act 1974

Under this act, employers must ensure that equipment you operate and the areas you work in are safe and without risks to health.

They must also provide you with the necessary training and information to allow you to stay safe at work. Employers also have to provide adequate facilities for your welfare.

You also have a duty to take reasonable care of your own safety and of others who may be affected by things you do or fail to do.

Management of H&S at Work Regulations 1999

To carry out this duty employers have to do risk assessments and must provide information to staff of measures being taken to control risks. They should ensure that employees are provided with adequate H&S training:

- On initial training
- Following any change to the system of work
- When exposed to new or increased risks
- Following the introduction of new technology (such as a new signalling system)
- Following significant modification of equipment (such as a new train stock).

Filming in Drivers Cabs

Trains are to be driven by an Instructor Operator only. If filming takes place in the driver's cab no more than three people should be present (one of the three being the Ins/op).

Filming is at the discretion of the Ins/Op and film crew must not interview the Ins/Op while the train is being operated.

For your safety ASLEF believe that you should insist traction current is switched off when you are required to access the track.

The Electricity at Work Regulations 1989 states;

No person shall be engaged in any work activity on or so near any live conductor that danger may arise unless it is:

- Unreasonable in all the circumstances for the conductor to be dead and,
- It is reasonable in all the circumstances to work on or near it while live and suitable precautions are taken to prevent injury.

Fatigue

Signs of moderate fatigue are: – frequent yawning or blinking – it is likely your performance is being affected. Signs of severe fatigue are: difficulty keeping eyes open, long blinks, 'micro-sleeps' – if you are experiencing these symptoms the risk of errors is very high.

Fatigue can lead to poor decision making, an increased tolerance to risk and slower reaction times all of which increase the risk of a driver being involved in an incident.

"Individuals concerned about fatigue should not be coerced into working regardless." * Drivers should request a PNR if you feel so fatigued that you are struggling to stay awake.

*Office of Rail Regulation – Managing Rail Staff Fatigue Jan 2012 – Section 5.26

'D.I.S.I Guidance

Where the DISI states 'Defect to be Assessed' ASLEF have made LU aware that drivers should make the initial assessment and decide the course of action to be taken for that train. ASLEF will support any driver who decides to withdraw a train from service due to a defect which they believe presents a risk to the safety of themselves or their passengers.



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Working to keep you safe at work Guidance for LU Train Operators

ASLEF Trains Health and Safety Council

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Serious incidents

You should call ASLEF's solicitors on **0800 587 7530** and the District Organiser if you are involved in an incident where it is suggested you may be to blame. See your ASLEF Diary for more details.

Workplace (H&S & Welfare) Regs 1992

These Regulations do not apply to train cabs but do apply to areas such as mess-rooms and walkways.

- **Regulation 7 Temperature**

Minimum temperature in the workplace should normally be above 16 Centigrade.

- **Regulation 12 Walkways**

Arrangements should be made to minimise risks from snow and ice. This may involve gritting, snow clearing and closure of some routes.

- **Regulation 21 Washing Facilities**

A supply of hot and cold water must be provided as well as soap and a means of drying.

- **Regulation 25 Facilities to Rest/Eat meals**

Rest areas should be large enough and have sufficient seating and tables for the number of drivers likely to use them at one time.

Drivers who work at hours or locations where hot food cannot be obtained should be provided with the means to heat their own food.

Pilots

Drivers should request a pilot if they do not have a full working knowledge of the area they are to enter. The pilot should be competent to assist you in the area and understand the meanings of signals and signage. (On a TBTC line this means the pilot should fully understand the signage, TOD indications and driving mode

required). Drivers remain the person "in charge" of the train. If a pilot is not available, then the train should not be driven into the area.

Drugs & Alcohol at work

You should notify LU of any medication you have taken whether prescribed or "over the counter", before booking on for duty. Make sure that the medication taken is recorded by the Duty Manager. (There have been instances where unsuitable medication has been taken by drivers, who were subsequently allowed to drive trains, but where the nature of the medication was not logged).

Under the **Transport & Works Act 1992** train drivers commit an offence if you carry out work while unfit through drink or drugs or if you have consumed more alcohol than the prescribed limit.

This limit is the same as car drivers which is 35mg per 100 ml of breath. However, LU will take action with the charge being Gross Misconduct and likely dismissal if a reading is taken of **13mg per 100ml of breath or above (which is about a third of the car drink/drive limit.)**

LU has published a guide to ensuring that drivers start work with a zero alcohol level. No more than 7 units of alcohol should be taken in the 24 hours before booking on and none in the 8 hours before work. This assumes that the body eliminates a unit of alcohol per hour. This may vary depending on your health, weight or whether food was consumed. To be cautious you should consume less than 7 units in this 8-24-hour period.

Examples of the unit content of various drinks are shown below:

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|-----------------------------------|-----------|
| • 1 Pint Becks | 2.7 Units |
| • 1 Wolf Blass Chardonnay (175ml) | 2.4 Units |
| • 1 Pint London Pride | 2.4 Units |
| • 1 Smirnoff Red Vodka (Double) | 1.9 Units |
| • 1 Pint Guinness | 2.4 Units |
| • 1 Pint Stella Artois Cidre | 2.6 Units |

Refusal to Work on the grounds of Health & Safety

Under the Management of H&S at Work Regs 1999, you may refuse to work if you have legitimate grounds for believing that starting or continuing to work would place you or others in serious and imminent danger. Under the Employment Rights Act 1996 employees have the right to formally complain without fear of detriment when they are concerned for the safety of themselves or others because of any aspect of their work.

Drivers should report any such instance to their manager who should inform the local H&S Rep as soon as possible. If the manager and a HSE advisor determines that there is no serious or imminent danger and the risks are as low as reasonably practical (ALARP) this will be communicated to you and your H&S Rep and you will be requested to work as normal. If there is a failure to agree that the risks are ALARP then a review of the relevant Workplace Risk Assessment will be undertaken by the manager and HSE.

Pending the outcome, you will be given reasonable alternative work until the end of the shift or sent home with pay. You have a right of appeal if there is a failure to agree on the conduct of the risk assessment reviews. The grounds for the appeal will be reviewed by the manager, the relevant Senior HSE manager, you and your H&S Rep. Pending the review of the appeal you will be given reasonable alternative work or sent home with pay. If this review concludes that the Risk Assessment was conducted correctly, the driver will be asked to work normally. Head Office should be contacted in this instance.

You should always report faults and potential dangers to LU at the first available opportunity and notify your H&S rep to follow up your report.