

Protecting workers from the risks of violence and racism

Brief for safety reps: measures employers should take to remove or reduce harm risks.

Introduction

Racist violence, abuse and harassment are not new and did not suddenly appear in recent weeks. However, there is new confidence among some with racist attitudes to voice their view publicly which has also led to a growth in visibility of the far-right, and incidences of violent disorder and racist attacks.

Trade unions take seriously the role we can play in countering racism and the threat of the far-right in society and in the workplace. We recognise that violence, abuse and harassment are workplace risks, whether it be from colleagues, clients or commuters, and Black¹ workers are at higher risk of encountering these hazards. We organise to eliminate risk to workers' safety – whether physical or psychological – and unions and their representatives can use our voices and our rights to pressure employers to take the necessary steps to protect us. Health and safety law applies to risks of violence (including verbal abuse), just as it does to other risks at work.

What the law says:

It is the employers' responsibility to ensure the workplace is safe. Health and safety law states that our employers are responsible for assessing all risks to workers, arranging for the effective planning, control, and monitoring of preventive and protective measures; and consulting employees (and any recognised union safety rep).

- Under the Health and Safety at Work Act, employers have to ensure, so far as is reasonably practical, the health, safety and welfare of their employees.
- The Management of Health and Safety at Work Regulations also state that employers have a duty to consider the risks to workers (including the risk of reasonably foreseeable violence), assess the risks and then prevent or control them.
- The Equality Act 2010 makes it unlawful to discriminate against workers because of a protected characteristic, including their religion or belief, or their race, including colour, nationality, and ethnic or national origin. It states that harassment is a form of discrimination and defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.
- Under the Safety Representatives and Safety Committees Regulations, any recognised union safety representative has the right to be consulted, to carry out inspections, and to investigate concerns.

Employers must consider and use appropriate control measures to prevent, or where this is not possible, significantly reduce the risk of violence, abuse and racism; verbal or physical, taking an approach which first aims to eliminate risk. Additionally, since the British government ratified the ILO's Convention 190 on Violence and Harassment at work, which came into force in March 2023,

¹ The TUC uses 'Black' – with a capital B – to indicate people with a shared history. 'Black' is used in a broad political and inclusive sense to describe people in Britain who have suffered from colonialism and enslavement in the past and continue to experience racism and diminished opportunities in today's society. Individual unions use different terminology, e.g. BME, BAEM, global majority.

an employers' duty of care does not stop at their front door, but extends to all work related activities including traveling to, from, or between workplaces.

Union safety reps have a legal right to raise concerns with their employer where they feel their management of the risks to workers has fallen short or has not been adequately assessed and controlled.

Remember: a risk assessment is a live document. Assessments and control measures must be kept under review and changed accordingly, in consultation with workers and unions.

Below are some of things employers can and should be doing:


- Conduct specific risk assessments for Black² staff members, and those carrying out duties or journeys where there may be an increased risk of abuse or attacks.
- Ensure all workers are aware of and encouraged to use work-related violence reporting. Reports must be made as soon as possible after the incident, and victims must be given time away from their duties for a report form to be completed. It should be given to the line manager who is responsible for ensuring it is processed and action taken in accordance with any agreed policy. The TUC has produced a [model form](#) which reps and employers are welcome to use and adapt.
- Consider whether lone working arrangements can be suspended temporarily to allow for paired-up or teamwork during jobs where workers at risk might otherwise be travelling or attending sites alone. Consider other arrangements such as staggered shifts and staff selection, and remote working where possible. Where public disorder / civil disturbances are expected, there must be at least two people in a team
- Provide all frontline workers with public order training on safety in civil unrest situations, instruction on risks and control measures, and expectations during possible confrontation.
- Clarify first aid arrangements both inside the workplace and for any site visits and journeys taken, including nearest medical facilities and emergency contact numbers.
- Consider the steps they can take to ensure the health and safety of workers on their journeys to and from work. Set aside a budget for 'safe journey' travel for workers for whom the journey to or from the workplace may pose a risk. For example, book taxis for early morning or late-night journeys where the streets are quiet or public transport is unavailable.
- Introduce security personnel for higher-risk events or shifts; increase staffing levels during peak times or on late-night or weekend shifts.
- Acknowledge the risk to mental and psychological health and the duty on employers. Re-assess stress risk assessments to account for the effects of fear and the effect of racist abuse and share information and resources available for support.
- Set policies for how perpetrators will be dealt with, e.g. swiftly removed from the premises; a dedicated responsible person tasked with contacting authorities.
- Formalise agreements for pay in the event of workers being stood down.


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- ☑ Conduct site-specific risk assessments, and adjust arrangements so that any visits can be carried out in a controlled environment, such as the office where panic alarms and CCTV are installed.
- ☑ Consider whether two or more workers should visit together and whether the police should also attend.
- ☑ Redesign the workplace to provide good visibility of anyone approaching.
- ☑ Put arrangements in place to periodically conduct well-being checks on workers undertaking higher-risk activities.
- ☑ Work with other organisations to develop a public campaign highlighting violence and aggression, ask clients/customers to treat workers with respect, and display clear posters and signage about the consequences of abuse and CCTV being in operation.
- ☑ Consider registering the workplace as a third party hate crime reporting site.

The right to refuse

Section 44 of the Employment Rights Act 1996 provides workers protection from detriment (i.e. dismissal, disciplinary or a pay cut) if they withdraw from and to refuse to return to a workplace that is unsafe. Workers are entitled to remain away from the workplace if – in their opinion – the prevailing circumstances represent a real risk of “serious and imminent danger” which they could not be expected to avert. The TUC advises workers to seek advice from their union first before using their rights under S44, where possible.

 **Did you know?** Union reps can make direct contact with the Health and Safety Executive concerning legal breaches using tupconcerns@hse.gov.uk.

 **Learning tool:** Health and safety reps may also wish to consult the TUC’s guide on [countering the far-right](#).