

For publication

Respiratory Protective Equipment Policy

Meeting:	Employment and General Committee
Date:	28 July 2022
Cabinet portfolio:	Governance
Directorate:	Corporate
For publication	

1.0 Purpose of the report

- 1.1 This report sets out the Council's policy for the use of Respiratory Protective Equipment (RPE).
- 1.2 The policy has been reviewed and updated and consultation has been undertaken with Trade Unions and with employees, following concerns raised about the Council's policy position on RPE and the requirement for employees to be clean shaven.

2.0 Recommendations

- 2.1 The Health and Safety Committee are asked to review and endorse the updated Respiratory Protective Equipment (RPE) Policy.

3.0 Reason for recommendations

- 3.1 Employment and General Committee are required to approve all changes to Council policies which relate to people. The RPE policy has been revised and clearly sets out the Council's policy position on the use of respiratory protective equipment. Formal approval of the policy is now required, enabling further consultation on operational implementation of the policy to be undertaken.

4.0 Report details

Background

- 4.1 During the autumn of 2021, the Council initiated a series of appointments for employees to undertake face fit testing for the respiratory protective equipment which should be used when working with silica dust and asbestos.
- 4.2 During this time, concerns were raised by unions and by staff about the Council's RPE policy position and the requirement for employees to be clean shaven. In January 2022, it became clear that the RPE policy which was published on Aspire had not been widely consulted on and had not been seen at Employment and General Committee or formally approved by them.
- 4.3 An interim approach to the use of RPE was introduced in February 2022. This has ensured that safe RPE working practices are in place, whilst the Council consults on and formally adopts an RPE policy. However, this interim approach is currently preventing Housing Property Services from achieving a flexible workforce and is adversely impacting on productivity levels being achieved.
- 4.4 There is a need to ensure that the RPE policy is progressed to formal approval as quickly as possible, so that the necessary operational implementation plans can be created which will move us towards the development of a more flexible workforce. It is acknowledged that this cannot be achieved overnight as training and testing must take place across the workforce. The operational implementation plans will therefore be developed in consultation with Trade Union colleagues and in ongoing engagement with employees.

Development of the RPE policy

- 4.5 The Council has undertaken wide ranging research on the use of RPE, including reviewing both Health and Safety legislation and guidance from the Health and Safety Executive. In addition, the Council has held discussions with specialist asbestos contractors and with chartered safety and health practitioners alongside undertaking discussions with the Institution of Occupational Safety and Health.
- 4.6 The Council has also completed a benchmarking exercise, identifying how other organisations deal with the use of respiratory protective equipment.
- 4.7 Trials of alternative RPE have taken place, including the use of air fed hoods. The results of the trials were mixed.

The RPE policy and the key principles which have informed it.

- 4.8 The RPE Policy is attached as appendix A to this report.
- 4.9 In developing the RPE Policy, it has become clear that air fed hoods cannot be safely used when asbestos fibres may be present, due to specific cleaning down requirements. As technology is always developing, we will continue to review the market for a safe alternative which does not require employees to be clean shaven, but this does not exist now.

- 4.10 If respiratory protective equipment is identified as a requirement through a risk assessment, the use of half or full-face respirators will be the Council's main standard policy approach. This will require respirators to be tight fitting and will therefore require employees to be appropriately clean shaven to maintain their safety.
- 4.11 Facial hair must not exceed 8 hours growth before RPE is due to be worn.
- 4.12 Face fit testing must be regularly completed, and records of testing and training will be retained.
- 4.13 Reasonable adjustments will be considered for medical or religious grounds.
- 4.14 Where employees are not prepared to be clean shaven, and there is no reasonable exemption, this will be considered as a failure to follow a reasonable management instruction. This is likely to lead to action through the Council's disciplinary process.

Consultation

- 4.15 The Council has consulted with Trade Union Colleagues and employees in the development of the RPE Policy. Unison, Unite and GMB have worked together to carry out further research on appropriate RPE and they have consulted with employees to understand their concerns, listen to their suggestions, and find possible working solutions.
- 4.16 Each union has provided very helpful feedback on the policy, and they have made valid and constructive changes, many of which have been fed into the final version of the RPE Policy which is set out at Appendix A.
- 4.17 Each union wishes to work with the Council to develop well understood operational procedures before the policy is implemented. A series of meetings will be implemented to move this forward.
- 4.18 Unite and GMB unions do not support the inclusion of section 12 of the RPE policy. This details the sanctions which could be implemented if employees refuse to be clean shaven. The unions feel that staff should not be asked to work with asbestos as 'a reasonable management instruction' as they feel there is a lack of risk assessments, equipment and RAMS which are needed to make staff feel safe. These concerns will be explored further throughout the operational implementation meetings.
- 4.19 Unite and GMB have stated that it would be beneficial for all parties to implement a two-tier workforce, where those staff who are happy to be clean shaven work with asbestos and those who are unhappy to be clean shaven do not work on repairs where asbestos containing materials may be present. These staff would use air fed hoods to protect themselves against silica dust.

4.20 It is not likely that the Council will be able to operate cost effective services with an organisational design which is based on a two-tier workforce. Discussions on implementation of the policy will centre around the practical steps which are needed to successfully introduce the policy. Other areas of concern raised in the consultation feedback will be addressed at the operational meetings.

4.21 Unison and Unite consultation reports are attached as Appendix B and C to this report. GMB union agrees with the Unite consultation report.

5.0 Implications for consideration – Human resources

5.1 An operational implementation plan will be developed which will set out how the policy will be implemented within each service directorate.

5.2 Failure to be clean shaven when RPE is required could result in disciplinary action being taken against employees.

5.3 Exemptions to the policy may be implemented for medical or religious grounds. Reasonable adjustments will be made in such instances. Medical exemptions must be supported by occupational health or the employees GP.

5.4 Recruitment adverts, job descriptions and contracts will be updated to set out the requirement to be clean shaven when wearing RPE, for the protection of the employee's own health and safety.

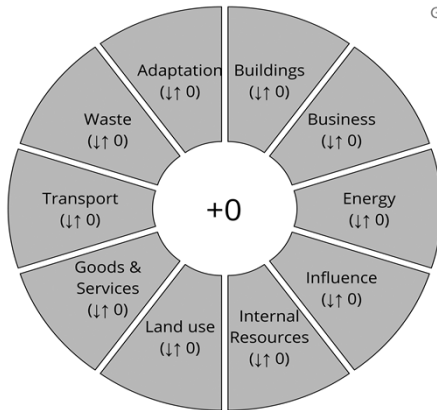
6.0 Implications for consideration – Council plan

6.1 Our employees complete repairs and maintenance activities daily which support the effective delivery of these priorities. Failure to deliver this work in a safe or productive manner will have an adverse impact on our ability to achieve the Council plan.

6.2 This policy sets out how our employees will work safely using respiratory protective equipment, so that council services and Council plan priorities can be delivered safely and productively.

7.0 Implications for consideration – Climate change

7.1 This policy does not generate any adverse impacts against climate change.



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Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (7 years and 5 months)

8.0 Implications for consideration – Equality and diversity

- 8.1 The Council is implementing a policy which will meet Health and Safety legislation, and which will help to keep our employees safe when they are undertaking repairs and maintenance work that requires the use of respiratory protective equipment.
- 8.2 This policy does have an adverse impact on the male workforce who must be clean shaven if the RPE is to be effective.
- 8.3 The policy also has adverse impacts for those employees who have medical conditions and struggle to shave or wear close fitting RPE and has adverse impacts on those people who have beards for religious beliefs.
- 8.4 In the case of medical or religious reasons, exemptions may be applied, and reasonable adjustments to the role will be considered in line with Council policy and process.

9.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The policy does not comply with legislative requirements	H	M	Consultation and engagement with HSE and IOSH, Trade Unions and other organisations to ensure compliance and learn from best practice	H	L
Employees refuse to comply with the policy	H	M	Consultation with employees.	H	L

and leave the organisation			Clear implementation plan developed, to ensure policy applies only when training and other implementation activities have been completed		
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Decision information

Key decision number	
Wards affected	All wards

Document information

Report author	
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Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix 1	RPE Policy
Appendix 2	Unison feedback
Appendix 3	Unite feedback