



## Trade Union Improvement Notice

From Prospect, Unison & GMB Unions

To The Chief Executive Officer of the Environment Agency, Philip Duffy

**Formal Notification under the Health & Safety at Work Act 1974 (as amended), Safety Representatives and Safety Committees Regulations 1977 (as amended), Health and Safety (Consultation with Employees) Regulations 1996 (as amended).**

We (The Recognised Trade Unions) do hereby give notice to the Environment Agency that it has **14 days**, from the date of this notice, to resolve and mend the Enterprise Hire Vehicle Contract. We shall reserve the right to escalate this to the Health and Safety Executive and to take other actions as allowed under UK law.

The reason for this notice is that since the end of the pandemic the standard of vehicles hired from Enterprise has dropped significantly where we regularly see unroadworthy vehicles being hired to our staff.

Driving is a dangerous activity, with people injured and killed on the UK's roads and something we all take for granted. If we add in a unroadworthy vehicle, we are increasing the odds for something to happen to staff when using a vehicle, to be able to carry out their respective job roles.

Under Regulation 2.1 and 2.2a of the Health & Safety at Work Act 1974, extract copied below.

*(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

*(2) Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—*

*(a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health.*

We have pointed this out on numerous occasions to both the HSW team and to Defra Fleet and although we have had comments that one unsafe vehicle is one too many, such action as has been taken by the fleet team has not been sufficient to rectify these problems to date



We have asked Fleet for transparency and to share risk management paperwork and minutes of meetings but are yet to receive these. It is incumbent on the employer to respond reasonably, swiftly, and without prejudice to safety concerns raised by the recognised trade unions and its staff.

Issues of concern are numerous:

- vehicles with defective tyres, from out of balance tyre pressures, delivered with slow punctures
- actual defects with tyres from bald tyres to side wall damage
- vehicles with warning lights on the dashboard
- vehicles with insufficient fluid levels, including engine oil
- vehicles with electrical faults
- vehicles with worn out brakes and other defects with the braking system

and the list goes on.

But Airswab report 30792 says it all, where the report noted:

*"Enterprise employee ... admitted that full vehicle checks are not always conducted by Enterprise before issuing hire vehicles"*

This goes against their own policy as noted on page 7 of their driver handbook where they state a 25-point check is conducted before and after every hire.

For clarity, Health & Safety Representatives function under section 2(4) of the 1974 Act to represent the employees in consultations with the employer under section 2(6) of the 1974 Act (which requires every employer to consult safety representatives with a view to the making and maintenance of arrangements which will enable him and his employees to cooperate 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), each safety representative shall have the following functions –

- a) to investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to his attention by the employees he represents) and to examine the causes of accidents at the workplace;
- b) to investigate complaints by any employee he represents relating to that employee's health, safety or welfare at work;
- c) to make representations to the employer on matters arising out of sub-paragraphs (a) and (b) above;
- d) to make representations to the employer on general matters affecting the health, safety or welfare at work of the employees at the workplace;
- e) to carry out inspections in accordance with Regulations 5, 6 and 7 below;
- f) to represent the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive and of any other enforcing authority;



- g) to receive information from inspectors in accordance with section 28(8) of the 1974 Act; and
- h) to attend meetings of safety committees where he attends in his capacity as a safety representative in connection with any of the above functions;

but, without prejudice to sections 7 and 8 of the 1974 Act, no function given to a safety representative by this paragraph shall be construed as imposing any duty on him.

The resolution we are seeking is either the restoration, in full, of Enterprise undertaking full vehicle checks prior to issue and ensuring that only fully roadworthy vehicles are therefore delivered for use by Environment Agency staff; or that the Enterprise contract be suspended and no further Enterprise vehicles issued until such time as guarantees around the provision of roadworthy vehicles have been secured and are demonstrably in operation for all hires.

Signed:

John Abraham & Frances Peckett  
Prospect H&S Co-Lead Representatives

Signed  
Deborah Bamford & Rory Sanderson  
Unison H&S Co-Lead Representatives

Signed  
Simon Shepherdson  
GMB H&S Lead Representative