Fire Safety

A TUC guide for trade union activists

TUC

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Section one
Introduction

Fires in the workplace are, like any other risk, preventable, yet every year there are between 15 and 20 thousand fires in non-residential buildings, and, in the last year that figures are available, 21 people died in these fires. Over 2,000 of these fires were in industrial premises and over 5,000 in shops or similar commercial premises, while almost 2,000 are in schools or hospitals.

Fire safety has two main parts. The first is ensuring that fires are prevented and the second is to ensure that if a fire happens there are procedures in place to enable it to be quickly identified and dealt with and, at the same time, ensure that all workers and members of the public are not put at risk.

Employers often see fire safety just in terms of having the procedures in place in the event of a fire and forget about the first part, which is taking action to prevent fires.

Union health and safety representatives should try to ensure that employers do not just see fire safety as a "tick-box exercise", but one that looks at all aspects of fire safety, including prevention.

As we saw from the Grenfell Fire disaster in June 2017, fire safety is not just about ensuring the proper fire drills and having enough fire extinguishers, it can be about how we design, construct and maintain the buildings in which we live and work.

Section two
The law

The main law covering fire safety in workplaces is the Regulatory Reform (Fire Safety) Order 2005 which has applied since 2006. This law places the responsibility for fire safety on the employer or 'responsible person' for that building or premises.

The 'responsible person' for each premises is required to carry out a fire risk assessment and take steps to reduce or remove the risk. The 'responsible person' is the person/s who owns or controls the business. Other people can also be deemed to be 'responsible' under the Fire Safety Order 2005 if they have any control over the premises. For example the owner of the property, the person who carries out the fire risk assessment and the contractor who maintains the fire alarm system may all be deemed to be 'responsible', but they must share responsibility and are obliged to cooperate.

Businesses have not needed a fire certificate since 2006 and fire certificates are not valid. Instead, businesses are required to have undertaken a fire risk assessment and implemented its findings.

A number of other regulations cover workplace fire safety, including the 2010 Building Regulations and the 2015 Construction (Design and Management) Regulations. These aim to ensure that fire safety is built into any premises when they are constructed or any structural changes are made. There are also some regulations that cover any dangerous or explosive substances on the premises.

◘ CONSULTATION WITH SAFETY REPRESENTATIVES

The Safety Representatives and Safety Committee Regulations state that employers must consult employees or their representatives on fire safety matters and provide them with information in the same way as on other issues. That means, if there are union health and safety representatives, through them. In addition there is a specific requirement on employers to consult on how they intend to appoint anyone who will assist in implementing the findings of a fire risk assessment (a competent person), such any consultants they are using.

However, the Fire Regulations left fire safety consultation as a matter to be enforced by the Health and Safety at Work authorities and not by the fire authorities.

Section three
Fire risk assessment

A fire risk assessment is, in many ways, similar to other health and safety risk assessments. You assess the risk and then manage it, preferably by removing it. You also need to have in place procedures to control any remaining risk and to protect the workforce or the public. As with a health and safety risk assessment, any business employing five or more people must record the significant findings of the assessment.

The responsibility for undertaking the fire risk assessment is the 'Responsible Person', who also has to ensure that any precautions identified in the fire risk assessment are implemented to ensure the safety of the employees as well as any visitors or contractors.

The main purpose of the assessment is to:

- Identify the fire hazards.

- Identify people at risk. This must include those at special risk, such as disabled persons

- Evaluate risks and decide how they will be removed or reduced.

- Record your findings, prepare an emergency plan and identify training needs.

- Have a process to review and update the fire risk assessment regularly.

In addition, the assessment must be reviewed regularly and when any significant changes to the building or work activity occur.

The Government has produced guidance for specific sectors. (see resources). Several Fire and Rescue Services have also produced useful templates for use in fire risk assessments.

The Responsible Person of the premises must make sure that the risk assessment is carried out and implemented, although often they will use an employee or a consultant to assist. These are called "competent persons" or "fire risk assessor", but the Responsible Person will still be responsible in law for meeting the requirements of the Fire Safety Order.

The Competent Person(s) can be an employee or it can be an outside contractor. They need not possess any specific academic qualifications but must have sufficient training, experience and knowledge to do the task.

The Fire Sector Federation has published advice on finding a competent fire risk assessor. It is at http://firesectorfederation.co.uk/update/resources/choosing-a-competent-fra-ver-2-1.pdf

Section four
Policies and procedures

Doing a risk assessment is the start of the process, not the end. Once it has been completed, it has to be implemented through an action plan.

The responsible person must ensure that there are policies in place based on the findings of the assessment to ensure that they minimise the risk of fire, have procedures to prevent the spread of any fire, provide adequate means of escape, and take preventative action.

These should all be recorded.

Among the things that the policies and procedures should cover are:

- The policies and procedures should specify how the organisation will ensure that there are suitable evacuation routes which are kept clear and marked with appropriate signs; what fire extinguishers and equipment are provided and how they are maintained and tested; what instruction and training for employees is needed; and how visitors are controlled and informed of fire precautions.

- The procedures should also detail what measures must be taken to reduce the risk of spread of fire. This will include having fire resisting walls and doors (equipped with self-closing devices) and systems in place to ensure that they are kept in good order. It should also consider whether sprinklers or other systems are appropriate.

- The policy and procedures must identify circumstances that initiate the emergency procedure and give details of the evacuation and fire drill.

- The procedures must take into account the specific needs of any disabled people such as those who have hearing impairment and may not be able to hear audible alarm systems, the visually impaired, who may have difficulty exiting the building in an evacuation, and those with mobility difficulties, including wheelchair users who may need the provision of special refuge places and escape equipment.

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Processes must be in place to ensure that records are kept of the Fire Risk Assessment, Fire Safety Policy, Procedures, training, Drills, appliance testing and Installation and Maintenance of Alarms, Emergency Lighting and Extinguishers.

However having written policies and procedures is only one part of what must come from the risk assessment. There needs to be an implementation plan for dealing

with any hazards that are identified from the assessment and inspection.

This will include what the employer is going to do to remove any identified fire risks, along with timescales and agreement as to who is responsible for doing it.

For a fire to spread it needs heat, fuel, and a source of oxygen. Employers should therefore try to remove each of these. This could include unguarded heat or ignition sources, any possible sources of oxygen, and anything that could be a fuel for a fire such as stocks of paper or cardboard, rubbish, or furniture that is not properly fire retardant. Some chemicals that are stored or used in the workplace could also pose a high fire risk.

It is also important that the employer ensures that it regularly inspects and monitors the workplace to make sure that the action plan is being properly implemented. They also need a process to ensure that any potential fire risks are reported and dealt with immediately.

◻ USING OUTSIDE CONSULTANTS

Employers often use outside consultants to undertake their fire risk assessments, and even to write their policies. Some of these consultants provide a useful service, but the service they provide can vary considerably. They will not be fully familiar with the workplace and rarely talk to union health and safety representatives.

Union health and safety representatives have a right to be consulted over how your employer finds a consultant.

You should make sure that your employer does not think that they can give up all responsibility for fire safety to a consultant. They cannot. The employer, or controller of the business cannot delegate their role as the "responsible person" and must ensure that all the consultant does is make recommendations, which are reviewed and acted upon by management.

Employers should also avoid using the same contractor to both carry out the fire risk assessment and also supply or test equipment, as there can be a conflict of interest.

Section five
Enforcement

Fire and Rescue Services conduct regular inspections of high risk non-domestic premises to ensure they comply with the law. Inspections may be unannounced and an inspector can enter premises to inspect the premises, ask about the identity of the responsible person, and inspect or copy fire safety records. Failure to comply with the Fire Safety Order may result in legal action resulting in a fine or up to two years imprisonment.

However, according to the Fire Brigades Union, the number of fire safety officers in England is now half the 1,500 employed in 2006 and officers now audit less than 5% of properties subject to the law every year. Routine, planned inspections where a fire safety officer assesses the level of compliance with fire regulations has fallen by around 20% since 2010.

The Enforcing Authority will ordinarily be a Fire Inspector from the local Fire Brigade. In special cases the HSE or Local Authority may be involved.

◻ HIGH-RISE WORKPLACES

Workers in high-risk office blocks will have particular concerns about fire safety following the Grenfell Tower fire. At the moment the full cause of the disaster are not known, but it is clear that, if not managed properly, high-rise buildings pose additional risks in terms of their construction and escape routes. Fire procedures must be reviewed to reflect this. Safety representatives can seek assurances that their employer is receiving professional advice on their fire policies and procedures and, if the building has any form of cladding, that the employer ensures that both the material, and also the way it is installed, are independently tested and checked.

Section six

Role of union health and safety representatives

The onus for ensuring a safe workplace lies with the employer, or, in the case of fire safety, the "responsible person". This may be the owner of the premises. It is their duty to ensure that a Fire Risk Assessment is done and that a suitable fire safety policy is in place and being implemented.

Union health and safety representatives cannot do fire risk assessments, but they can consider fire safety as part of their workplace inspections, or even do separate workplace fire inspections.

Checklist for health and safety representatives

☑ Ask to see any policies, procedures and reports on fire safety. This includes the employer's fire risk assessment.

☑ Ask for records of any inspections of fire or electrical equipment as well as details of any flammable chemicals, including the safety data sheets.

☑ Get management to give you a copy of any reports that are produced after a fire, however small.

☑ Request consultation on any proposed building works at the planning stage to ensure that fire risk has been properly considered.

☑ Make sure your employer consults you on the appointment and use of any consultants.

☑ Ask to be notified of any inspections by the fire and rescue service so you can talk to the officers.

☑ Ensure that fire safety is a regular item on the agenda of joint health and safety committee meetings.

☑ Do regular inspections of your workplace using the attached checklist.

☑ Talk to your members about fire safety, especially any who act as fire wardens.

☑ If there are any risks that you consider to put any of your members in imminent danger and they are not rectified by the employer immediately, contact the local fire station for advice.

Fire risk inspection checklist

This checklist lists some of the issues union health and safety representatives should look out for when you are doing a workplace inspection on fire risk.

Consultation

☑ Does the employer consult with the union on fire safety issues, including the use of consultants?

Planning

☑ Are fire safety issues discussed at the joint health and safety committee?

☑ Are fire safety risk assessments and action plans reviewed regularly?

☑ Do the assessments and action plans address the fire risks in the workplace?

☑ Are action plans implemented?

☑ Has the employer and emergency plan to deal with the aftermath of a major fire?

☑ Is there an established and documented procedure in the event of a fire or fire drill including assembly points and contacting emergency services?

☑ Does the action plan include provision for visitors and contractors?

☑ Are there sufficient trained fire marshals?

☑ Is the fire alarm system regularly maintained and tested?

☑ If the workplace is a high-rise building, has the employer sought expert advice on the specific fire safety issues including the testing of the combustibility of any cladding and the way it was installed?

☑ Does your employer have a contingency plan to ensure the continuity of the business in the event of a fire?

Training

☑ Are there regular fire drills?

☑ Do you see reports or reviews after fire drills?

☑ Do all staff receive fire training, including new starters?

Fire prevention

☑ Has the electrical installation been tested by a qualified electrician within the past five years?

☑ Are isolators and mains electricity switches clearly signed and easily accessible?

- ☑ Is all electrical equipment regularly tested and the use of electrical extension leads and multipoint adapters kept to a minimum?
- ☑ Does the employer have an effective policy for keeping the workplace clear of combustible dust, waste and rubbish (including outside areas)?
- ☑ Are all ducts, pipes and beams kept clean?
- ☑ Is all furniture fire retardant?
- ☑ Are heaters properly guarded and positioned away from combustible material?
- ☑ Are all flammable or explosive products kept in fire resistant areas away from potential sources of ignition?
- ☑ Are any storage areas secure with restricted access?
- ☑ If smoking is allowed in outside areas it is in an area free from rubbish and combustible material?
- ☑ Arson: Is the building secure against intruders, especially when unoccupied?

Emergency procedures

- ☑ Are all exit fire routes the shortest possible distance to the final, exit point and clearly signed and lit?
- ☑ Are fire exit routes sufficiently wide and surrounded by fire resistant construction?
- ☑ Is there adequate emergency lighting?
- ☑ Are all fire exit routes clear of obstruction and trip/slip hazards?
- ☑ Does the premises have a fire alarm system that can be heard throughout the premises including basements, outbuildings and annexes?
- ☑ Are there sufficient alarm activation points and are they all clearly visible and unobstructed?
- ☑ Does the fire alarm system connect to a monitoring station that contacts the fire brigade?
- ☑ Do alarms, escape routes and evacuation procedures provide for the needs of the disabled?
- ☑ Are all fire doors self-closing and not wedged open?
- ☑ If there are self-closing doors, are they operating correctly?
- ☑ Are fire doors and final exit doors always available for use when the

  building is in use (including by cleaners and security staff)
- ☑ Are there sufficient fire extinguishers, blankets and other equipment to meet the requirements of the risk assessment?
- ☑ Is firefighting equipment in its correct position and regularly inspected?
- ☑ Are sprinkler heads and fire detectors free from obstruction and regularly tested?

Find out more

For more information about health and safety issues go to:
tuc.org.uk/healthandsafety

Follow TUC health and safety issues on Facebook at:
facebook.com/tuchealthandsafety

Fire **Safety advice for businesses from Government is available at:**

https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business