

FATIGUE – WHAT YOU SHOULD KNOW

Introduction

Fatigue is an issue that has become increasingly recognised as a significant contributor to safety incidents and accidents at work.

This Reps Bulletin seeks to draw out some essential points that reps need to be aware of when they are in discussion with their employers over issues such as rosters and working patterns.

The Bulletin is based on a recent TUC Publication, *"Fatigue: An introduction for union health and safety representatives"*ⁱ but also draws significantly from rail industry guidance from the UK's Office of Rail and Road and the RSSB.

What is fatigue?

There is no single agreed definition of fatigue but in the ORR's document *"Managing Rail Staff Fatigue"*ⁱⁱ it is described as: "a state of perceived weariness that can result from prolonged working, heavy workload, insufficient rest and inadequate sleep".

In the TUC guidance, a similar definition of fatigue is offered of "the decline in mental and/or physical performance that results from

prolonged exertion, sleep loss or disruption of the internal clock."

What are the characteristics of fatigue?

The ORR guidance draws attention to a number of factors that need to be recognised in the fatigued person who may have a:

- general feeling of tiredness;
- reduced ability to perform work effectively;
- loss of alertness;
- less able to process information;
- takes longer to react and make decisions;
- has less interest in working compared to a person who is not fatigued.

To this list, the TUC also adds that:

- People who suffer from fatigue feel they lack motivation and energy;
- They may be irritable;
- They may be slower to react (including to hazards in the workplace);
- Even though fatigue and drowsiness are not the same, drowsiness, or the desire to sleep, is a common effect that

people with fatigue experience with the result that they may fall asleep at work – momentarily or for several minutes

- Apathy may also accompany fatigue.

What is the impact of fatigue?

As the ORR notes,ⁱⁱⁱ fatigue increases the likelihood of errors and adversely affects performance, especially in tasks requiring:

- vigilance and monitoring;
- decision making;
- awareness;
- fast reaction time;
- tracking ability;
- memory.

The consequences for a failure to manage fatigue can be disastrous with the ORR noting that it was at least a contributory cause in some 74 accident and incident reports between 2001 and 2009. Excessive overtime working leading to fatigue was at least a contributory factor in the 1988 Clapham Junction disaster in which 35 people died and nearly 500 were injured.

Hidden recommendations and ROGS

Reps should be aware that in the investigation that followed the Clapham Junction collision, Lord Justice Anthony Hidden QC made recommendations to address the underlying management failings, including Recommendation 18:

“BR shall ensure that overtime

is monitored so that no individual is working excessive levels of overtime” (Hidden Report paragraphs 8.54 – 8.56).

What became known as the ‘Hidden Limits’ on working time were adopted by the railway industry and included in an appendix to Railway Group Standard GH/RT4004 which has now been withdrawn in favour of the Regulation 25 of the ROGS^{iv} regulations following the Ladbroke Grove Cullen Inquiry.

As the RSSB describes^v the essence of ROGS is that “the legislation formally shifted the focus away from prescriptive working time limits which specified, for example, minimum rest intervals between shifts and maximum shift lengths, to a more systematic approach to managing fatigue risks. This is in recognition of the fact that, in order to reduce the likelihood of accidents, incidents and errors in which fatigue is a contributing factor, fatigue risk management requires the implementation of effective controls at an individual, job and organisational level.”

What are the factors that cause fatigue?

Causes of fatigue identified by the ORR include:

- work related factors e.g. timing of working and resting periods, length and number of consecutive work duties, intensity of work demands. Additional, the TUC identify the

potential for physical and mental health issues arising from work related factors;

- individual factors e.g. lifestyle, age, diet, medical conditions, drug and alcohol use, which can all affect the duration and quality of sleep;
- environmental factors e.g. family circumstances and domestic responsibilities, adequacy of the sleeping environment.

Additional factors identified include:^{vi}

- Ability to sleep on rest days, the quality of sleep, and sleeping disorders;
- Cold starts and inadequate recovery times;
- Commuting time to and from the workplace;
- Workload and responsibilities both physical and mental including repetitive, monotonous, demanding or strenuous work;
- The impact of second or multiple jobs;
- Stress at work;
- A working environment which can encourage sleep through being too warm, dark or quiet;
- Pressures from “digital life”, including the pressure to respond to emails when not at work.

The ORR guidance document highlights how employers should be controlling work related factors but also provides information about how

they can address the other factors, noting that employees have a role to play, especially in highlighting fatigue concerns.

Are there different types of fatigue?

Unlike the ORR guidance that relates to the rail industry in the light of the Management Regs^{vii} and ROGS legislation (see above),^{viii} the TUC Guidance is not industry specific.

For the TUC research, the word “fatigue” is described as usually referring “to a more chronic (long-term) condition than just sleepiness or acute fatigue (also called somnolence) which is generally caused by not enough proper, restful sleep, or a lack of stimulation.”

The ORR document, seen as the rail industry guidance, does not differentiate in these ways.

What are the health effects of fatigue?

Over time, fatigue can pose a danger to the health of an employee with long term effects of fatigue appearing to be similar to stress. In fact, people who are suffering from fatigue can think they are stressed. As the TUC note, “Of course work can cause both stress and fatigue and they often go together.”^{ix}

Among the symptoms are:

- Insomnia (often people with fatigue are simply unable to return to usual sleep patterns even if they try to);

- Depression and anxiety;
- Headaches;
- Confusion;
- Dizziness;
- Blurred vision;
- Unexplained weight loss or gain
- Digestive problems

Who gets the blame for fatigue?

Fatigue is a major problem for many workers. Where fatigue is identified as a cause of an accident or incident, the worker can find themselves being blamed by their employer when in reality most fatigue is caused by the demands placed on people by the employer. The way this is prevented is by ensuring that workers are not fatigued or that there are systems in place to stop them working when fatigued.

What is the law relating to fatigue?

Additional to the duties under ROGS described above, the Management Regulations place a legal duty on employers to manage any risks that arise from work, including from fatigue.

This management takes place through the use of risk assessment and risk management, as with any hazard, and should involve consultation with the union safety rep.^x

As the TUC note says, “simply complying with the Working Time Regulations^{xi} alone is insufficient to manage the risks of fatigue. Nor can an employer claim that a person willingly worked additional hours or

shifts. The employer must ensure that they are aware of the hours a person works and take action to prevent any risk to the worker or to others.”

How should fatigue be managed?

The TUC have highlighted the HSE’s briefing note on fatigue^{xii} which gives the following advice on how to manage fatigue:

- Working hours are not too long;
- Employees get enough rest between shifts;
- Employees don’t work too many night shifts in a row;
- Managers negotiate with staff about overtime or double shift working;
- Managers fit in with individuals’ preferences – some people prefer nights;
- Employees avoid critical jobs at the ends of shifts or at ‘low points’ in the day or night e.g. 3a.m.;
- Shifts rotate ‘forwards’ that is, mornings, then afternoons, then nights;
- Employees take quality rest breaks in their work;
- Anyone can report fatigue problems to management and the company will make improvements;
- The environment doesn’t cause drowsiness (it’s light with visual interest, not too hot and there is always variation in the level of sound);

- There are contingency plans to avoid overloading one person with overtime or double shifts;
- Incidents or accidents where fatigue may be responsible are thoroughly investigated.

In addition to these recommendations from the HSE, TSSA supports the TUC perspective that believes that it is important that employers ensure that they involve the workers, through their union if they recognise one.

The ROGS Nine-Stage Approach

Apart from this general HSE guidance, and because many TSSA members work in the British railway industry, we also want to draw attention to the 'ROGS Nine-Stage Approach'^{xiii} which should be used "to establish effective arrangements for managing the risks arising from safety critical workers"^{xiv}:

1. Identifying safety critical workers affected;
2. Setting standards and designing working patterns;
3. Limiting exceedances;
4. Consulting with safety critical workers;
5. Recording the arrangements;
6. Providing information to safety critical workers.
7. Monitoring;
8. Taking action when safety critical workers are fatigued;
9. Reviewing the arrangements.

Rep Actions

There are a number of things that TSSA Industrial and Safety Reps can

engage in to improve the management of fatigue in their workplace or company:

1. When negotiating new rosters, ensure allowance is made for adequate breaks and rest periods in accordance with the Working Time Regulations and company agreements;
2. For staff who are on call, ensure that adequate rest periods are factored in (eg, 11 hours rest after the last call) and that the company commit to honouring the arrangement in practice without pressuring staff to do something different;
3. At a time of consultation on an organisational change (eg, from closing a window in a ticket office to a major change to the management structure of the company) raise the impact of fatigue on the workers that remain and ask the employer to risk assess the situation and discuss the results with the relevant reps;
4. If fatigue is an issue in your workplace, arrange a survey of your members to find out what the causes are and raise the results with your employer;
5. You can also raise awareness of the dangers of fatigue and work with employers to try to develop an environment where workers can report when they are fatigued without fear of repercussions;

6. If the company doesn't have a Fatigue Policy in place, push to have one adopted in accordance with the RSSB advice^{xv} and make sure the trade unions are part of its formulation;
7. As part of the adoption of a Fatigue Policy, RSSB also recommends that there should be a Fatigue Management Steering Committee.^{xvi} Reps should push for this and for TSSA to have its own seat
8. When representing an individual employee, especially in disciplinary situations that involve issues of fatigue (even if not specifically mentioned by management but a factor for the member), ensure that the employer has to give account of why proper fatigue management systems were not in place or, if they were, fell down on this particular occasion. This is especially relevant for safety critical workers. If a mistake happens because a worker is fatigued, it is because these procedures have failed and they should not scapegoat the worker.

Further information: Where can I find some advice?

There are various sources of guidance that help with legal compliance and which union safety reps can use in

their discussions with company managers (online links to some of these documents can be found in the end notes):

- The HSE has produced detailed guidance for employers on complying with the law. Under the title of "*Human Factors: Fatigue*" it is available at: <http://www.hse.gov.uk/humanfactors/topics/fatigue.htm> You will see that it contains a number of links to other information;
- The HSE has also produced a "*Fatigue Risk Index for Shiftworkers*" available at: <http://www.hse.gov.uk/research/rrhtm/rr446.htm>
- The ORR's "*Managing Rail Staff Fatigue*" publication **seeks to apply to all rail workers, not just those that are safety critical**,^{xvii} and includes useful guidance on:
 - Fatigue Risk Management Systems (see Chapter 5);
 - Fatigue in ROGS Safety Critical Work (see Chapter 6);
 - Appendix A "Fatigue Risk Assessments"
- The RSSB's "*Managing Fatigue: A good practice guide.*"
- RSSB's "*Fatigue and its contribution to railway incidents*"

ⁱ Available at: https://www.tuc.org.uk/sites/default/files/Fatigue%20July%202016%20pdf.docx_0.pdf

ⁱⁱ "Managing Rail Staff Fatigue," revised guidance published January 2012 and available at: http://orr.gov.uk/_data/assets/pdf_file/0005/2867/managing_rail_fatigue.pdf

ⁱⁱⁱ Page 6, “Managing Rail Staff Fatigue” available as above.

^{iv} ‘The Railways and Other Guided Transport Systems (Safety) Regulations 2006’ (as amended)

^v Managing Fatigue: A good Practice Guide” September 2012, available at:
<http://www.rssb.co.uk/rgs/standards/RS504%20Is%201.pdf>

^{vi} Page 2, TUC’s “Fatigue: An introduction for union health and safety representatives” available as above.

^{vii} Management of Health and Safety at Work Regulations 1999

^{viii} Railways and Other Guided Transport Systems (Safety) Regulations 2006

^{ix} See Page 3, TUC document above.

^x See TSSA Reps Bulletin H&S113 “Consultation on Risk Assessment” available to download from:
<http://www.tssa.org.uk/en/reps-area/reps-bulletins/health--safety/index.cfm>

^{xi} This particularly includes in relation to hours of duty, breaks, rest periods and leave arrangement. See:
<http://www.acas.org.uk/index.aspx?articleid=1373>

^{xii} HSE Human Factors Briefing Note 10: Fatigue at:
<http://www.hse.gov.uk/humanfactors/topics/10fatigue.pdf>

^{xiii} See: Fatigue in ROGS Safety Critical Work (Chapter 6), and especially the use of the ROGS Nine Step Approach at page 35 (with further detail from page 36-51) at ORR’s “Managing Rail Staff Fatigue,” revised guidance published January 2012 and available at:
http://orr.gov.uk/_data/assets/pdf_file/0005/2867/managing_rail_fatigue.pdf

^{xiv} Page 7, RSSB “Fatigue and its contribution to railway incidents,” February 2015, available at:
<http://www.rssb.co.uk/Library/risk-analysis-and-safety-reporting/2015-02-str-fatigue-contribution-to-railway-incidents.pdf>

^{xv} See Section 4.1, page 20 “Managing Fatigue: A good practice guide,” published September 2012 and available at:
<http://www.rssb.co.uk/rgs/standards/RS504%20Is%201.pdf>

^{xvi} See Section 4.2 of above RSSB document

^{xvii} See Paragraph 1.1, page 6.