

Your rights and how to use them



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Produced by Bristol Solidarity Federation and the SolFed Publicity Commission

This pamphlet offers an overview of your basic rights and workplace advice based on the long-term experience of workplace actvists. It should not be regarded as a legal decument.

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Jargon-Buster

Carpal Tunnel Syndrome – A type of "Repetitive Strain Injury", that causes a tingling sensation, numbness and sometimes pain in the hand and fingers

► Computer Vision Syndrome – The name for health problems related to looking at a computer screen. Although it's sometimes called "Digital Eye Strain", Computer Vision Syndrome includes more than just problems with eyesight (for example, neck and shoulder pain from straining to look at small text)

▶ Display Screen Equipment (aka DSE) – Any work equipment that uses a screen – for example, a computer monitor. When equipment you use fits the legal definition of "Display Screen Equipment", your employer has to follow extra health and safety regulations

► Health and Safety Executive (aka HSE) – The HSE is a body created by the government to make and enforce Health and Safety regulations in workplaces. The HSE is responsible for larger premises like factories and hospitals, but most offices and shops are the responsibility of the local authority (eg the council)

▶ Musculoskeletal Disorders (aka MSD) – According to the HSE, it means "any injury, damage or disorder of the joints or other tissues in the upper/lower limbs or the back". Carpal Tunnel Syndrome is a type of MSD, as is back pain. Bad posture, bad equipment, bad working practises, etc can all cause MSD

▶ **Repetitive Strain Injury (aka RSI)** – Pain felt in the muscles, nerves, or tendons caused by repetitive tasks. For example if you get pain in your wrists after typing all day, that could be RSI

▶ Work Related Upper Limb Disorders – A more general word than RSI – means any aches and pains in the hands, arms, or neck which are caused by repetitive work, uncomfortable posture, bad working environment, etc

► Workstation – When using a computer, the "workstation" is what you work with. This includes the desk, keyboard, mouse, monitor, etc

Rights and Responsibilities

(Source is Unison Health and Safety 'six-pack' unless otherwise noted, available at www.unison.org.uk)

General Rights

► Employers must provide "comprehensible and relevant" information to us about risks in the workplace, and tell us what they are doing to stop them happening. This information should take into account any language difficulties or disabilities



- Health risks and what causes them like poor posture and lack of breaks
- What we can do to reduce these risks
- ▶ Information about eye and eyesight tests, rest breaks, and standards for workstations

▶ Where women of childbearing age are working, and there is a hazard that might affect a new or expectant mother, risk assessments must take that risk into account. This must be done whether or not anyone is actually pregnant. Once any woman notifies their employer they are pregnant, or has given birth in the last six months, or is breastfeeding, if the risk cannot be removed, then the worker can be suspended on full pay. There are also restrictions on night work for new and expectant mothers if it is likely to damage their health.

► Trade unions have a right to appoint Health and Safety representatives in workplaces (Safety Representatives and Safety Committee Regulations 1977)

Anyone not covered by trade union safety reps, must be consulted by their employers. The employer can choose to consult these employees directly or through elected representatives (Health and Safety Consultation with Employee Regulations 1996)

▶ The Employment Rights Act 1996 gives all employees protection if they leave a workplace where there is "serious and immediate danger", or if they take action against serious and immediate danger

► As an employee, your main responsibility is to follow any health and safety training that you have been given. If you haven't been trained in the safe use of equipment, it should be your EMPLOYER'S fault if anything goes wrong! You have a duty to look out for the safety of you and others, but this does not make you liable if you have not been trained – the buck stops with your employer.



Rights

Office Environment

Workplaces must be suitable for all who work in them, including workers with any kind of disability. All workplaces should be as accessible as possible to people with disabilities and new buildings or conversions must be designed with this in mind. There are minimum standards that the building you work in must comply to, for example:

► Seating should be the right height for you, in relation to the work surface. Seating should include proper back support

▶ There must be a reasonable temperature inside buildings during working hours.

Thermometers must be provided, and "all reasonable steps" should be

taken to achieve a comfortable temperature

Enclosed workplaces must be ventilated sufficiently.

Ventilation systems should not cause uncomfortable draughts

- ► Lighting must be suitable and sufficient and natural so far as reasonably practicable
- ▶ The workplace must be clean
- ► There must be enough suitable toilets at readily accessible places



► Employers must provide suitable and sufficient rest facilities at readily accessible places. Rest rooms and areas must include suitable arrangements to protect nonsmokers from discomfort. Suitable facilities must be provided for pregnant or nursing workers to rest; and for workers to eat meals

▶ "Every workroom should have sufficient floor area, height and unoccupied space for purposes of health, safety and welfare. The Approved Code of Practice says that, as a minimum, 11 cubic metres should be allowed per person working in the room."

Computer Equipment ('Display ScreenEquipment')

If you depend on using a computer to do your job (or more accurately, "Display Screen Equipment"), and you use it regularly for a significant part of your work, then your employer has some extra duties and regulations to comply with ...

▶ We must be given information on all aspects of health and safety relating to workstations, and what measures are being taken to comply with the regulations

• Our work must be planned so we get regular breaks or changes of activity, where we are not working on the computer



▶ Breaks should be included in working time

Breaks should reduce the workload at the screen, not result in a higher pace of work

▶ Where possible, we should be allowed to take breaks as and when we need them. Where this is unlikely to happen because of pressure of work, an agreement on breaks should be drawn up. TUC guidance suggests 15 minute breaks away from the equipment after 45 minutes work

▶ Breaks should be taken before the onset of fatigue, not in order to recuperate – in other words when performance is at a maximum. The timing of the break is more important than how long it is

▶ Informal breaks (time spent not viewing the screen buat doing other tasks), appear to be more effective than formal rest breaks

▶ We have a right to FREE eyesight tests, and "special corrective appliances" (glasses!) if it turns out anyone needs them

► The "workstation" (screen, keyboard, chair, etc) has a whole load of requirements, including:

Screen must be adjustable and free of "reflective glare"

▶ Chair must be adjustable in both height and tilt, and a footrest must be made available if wanted

• Keyboard must have enough space in front of it to provide support to hands and arms, and have a matt surface to avoid reflective glare

▶ "The work desk or work surface shall have a sufficiently large, low reflectance surface and allow a flexible arrangement of the screen, keyboard, documents and related equipment... There shall be adequate space for operators or users to find a comfortable position."

▶ "Workstations shall be so designed that sources of light, such as windows and other openings, transparent or translucid walls, and brightly coloured fixtures or walls cause no direct glare and no distracting reflections on the screen. Windows shall be

fitted with a suitable system of adjustable covering to attenuate the daylight that falls on the workstation."

▶ There are also requirements for the software you use:

▶ It must be suitable to the task

• It must be easy to use and adaptable to the user's level of experience, where appropriate

• "No quantitative or qualitative checking facility may be used without the knowledge of the operators or users."

▶ "Systems must display information in a format and at a pace which are adapted to operators or users."





What are the Main Risks?

RSI and 'Musculoskeletal' Disorders

Rights

Relevant rights include:

Computer/"Display Screen Equipment" regulations re breaks

Computer/"Display Screen Equipment" regulations re adjustable equipment

General right to training and information



Risks

► For 2010/11, the total number of people in the UK suffering from Musculoskeletal Disorders is estimated at 508,000 while over 158,000 workers developed a new case of MSD in the last year (out of 1,152,000 workrelated illnesses).

(www.hse.gov.uk/statistics/causdis/musculoskeletal/msd.pdf)

(www.tuc.org.uk/workplaceissues/work_related_upper_limb_disorders.cfm)

Women suffer more than men, older workers more than younger ones.

(www.tuc.org.uk/workplaceissues/work_related_upper_limb_disorders.cfm)

▶ In 2007-8, 213,000 people in work had RSI problems that were caused or made worse by work – of these 81,000 were new cases

(news.bbc.co.uk/1/hi/health/7889091.stm)

► A 2007 research report 'Better Display Screen Equipment and WorkRelated Ill Health Data" (*www.tuc.org.uk/workplaceissues/displayscreenequipment.cfm*) found that:

▶ 73% of all respondents reported one or more "muscloskeletal" symptom

▶ 52% suffered from headaches, 48% from eye discomfort, 47% from neck pain, 37% from back pain, 39% from shoulder pain

Symptoms were more common among those spending more time at their computer, and especially those who worked for more than an hour without a break

► A Swedish study found that "psychosocial" factors play a major role in the risk of suffering pain. Those workers whose job was stressful, with high demands and little control, were at much greater risk of suffering neck and shoulder pain than the reference group who had low demands made of them and more control over their work

(www.tuc.org.uk/workplaceissues/displayscreenequipment.cfm)



► People who have not been trained to type properly are far more likely to develop RSI because they repeatedly use the same fingers and use the mouse too much (*www.tuc.org.uk/workplaceissues/ displayscreenequipment.cfm*)

Key Advice

▶ DON'T USE PAIN KILLERS, if you push through pain it will get worse, and may become permanent. See a doctor as soon as you begin to develop symptoms, it is key to catch RSI early

► Take regular breaks

► Try to have a good posture – your employer should provide information on this, along with equipment that helps, like footrests

Equipment That Can Help

▶ 'Ergonomic' keyboards and mice may reduce strain on the wrists and hands.

- 'Mechanical' keyboards can reduce strain on fingers
- ▶ Wrist rests are available for keyboards and mice. (Though some models are rumoured to reduce circulation and so increase risk of Carpel Tunnel Syndrome)
- ▶ Vertical mice can reduce wrist strain (but some models may make finger strain worse)
- ► Setting up the keyboard to control the mouse pointer may help reduce strain from mouse use
- ► Software that does not require stretching to reach keys (for example, keypresses like ctrlshiftt encourage bad keyboard use)
- ► Voice recognition software
- ► Footrests
- Adjustable equipment (for example, the screen should be at eye level)
- ▶ 'TCO labelled' equipment must conform to certain ergonomic standards
- ► Software that makes you take regular breaks (eg "workrave")

Eye Strain/Vision

Rights

Relevant rights include:

- ► General regulations on workplace lighting
- ▶ "Display Screen Equipment" (DSE) regulations about glare
- DSE regulations about regular breaks
- ► DSE regulations about free eye tests





Risks

► Workers who use computers are at risk of eyestrain, blurred vision, and headaches (www.tuc.org.uk/workplaceissues/ healthandsafety/displayscreenequipment)

► The Health and Safety Executive says that extensive research has found no evidence that working with computer screens can cause permanent damage to the eyes or eyesight (this is disputed by some – see the Hazards article on Computer Vision Syndrome). However, the HSE goes on to say that some workers may experience temporary visual fatigue, leading to a range of symptoms such as impaired visual performance (for example, blurred vision), red or sore eyes and headaches, or the adoption of awkward posture which can cause further bodily discomfort

(www.tuc.org.uk/workplace issues/health and safety/displays creenequipment)

► Uncorrected visual defects, can become troublesome when a person becomes a DSE user. Workers with these preexisting vision defects may become more aware of them. Since eye defects become worse with age, this problem crops up more and more in older workers (*www.tuc.org.uk/workplaceissues/displayscreenequipment.cfm*)

▶ Problems with eyesight are made worse by badly designed workstations, bad positioning of equipment and documents, poor lighting, poorly designed screens, glare, long periods spent at the screen, lack of adequate maintenance and uncorrected eye defects. Dry heat can also pose a problem for the wearers of contact lenses.

(www.tuc.org.uk/workplaceissues/displayscreenequipment.cfm)

Stress

Rights

Relevant rights include:

- ▶ "Display Screen Equipment" (DSE) regulations about regular breaks
- DSE regulations about suitable software
- ► General regulations about the office environment

Risks

Stress is the most common cause of longterm absence at work

(www.cipd.co.uk/pressoffice/pressreleases/stressnumberonecauselong.aspx)
▶ Stress also increases the risk of other health problems

(www.tuc.org.uk/workplaceissues/healthandsafety/stress/makingjobsbetterkeepsyouwell)





▶ There is very consistent evidence that workrelated stress has severe consequences for employee health, not only increasing anxiety and depression but leading to an estimated 50 per cent increases in the risk of heart disease

(people.pwf.cam.ac.uk/mb65/documents/chandola2010.pdf)

▶ Hazards magazine estimates that there are about 20,000 premature deaths from heart disease each year, many of these from stress, overwork, long hours and impossible work demands. In addition, it is estimated that between 100 and 250 people commit suicide each years as a result of intolerable workrelated stress, and the suicide rate generally has increased by 10 per cent since the beginning of the recession

(www.tuc.org.uk/workplaceissues32)

▶ Noise can affect the ability to concentrate and cause stress

(www.tuc.org.uk/workplaceissues/displayscreenequipment.cfm)



Health and safety

Employers should offer...

- Decent conditions (enough toilets, washing facilities and drinking water).
- A health and safety plan, then give staff proper info and training.
- Procedures for dealing with work risks.

▶ Information for all workers about health and safety agreements, policies and practices before we start work.

Consultation on health and safety matters.

By law bosses must give healthy, safe conditions to everyone they

hire. We can legally walk out if we feel in instant danger.

Working Time regulations

You're entitled to...

- ▶ One day off in any given week.
- ▶ We can't be made to work more than 13 hours a day.
- ▶ We can't be made to work more than an average of 48 hours a week.
- ▶ We have the right to at least one rest break every six hours.
- At night, work can't take up more than an average of eight hours per day.
- ▶ Night workers have the right to free health checks.
- ▶ We get a minimum of 5.6 weeks' paid leave a year.



Other Risks

Sick Building Syndrome

Some office workers may be at risk from Sick Building Syndrome – "a poorly understood phenomenon where people have a range of symptoms related to a certain building, most often a workplace, and there is no specific identifiable cause"

(www.nhs.uk/conditions/sick-buildingsyndrome/Pages/Introduction.aspx)

A 1984 World Health Organization report suggested up to 30% of new and remodeled buildings worldwide may be subject of complaints related to poor indoor air quality. (www.epa.gov/iaq/pdfs/sick_building_factsheet.pdf)

During Pregnancy

The Unison Health and Safety 'Six-Pack' says:

"Restricted postures, for example sitting in one position for too long, may cause problems for pregnant women.

"During the later stages of pregnancy, women may find it difficult to sit comfortably at a workstation because of their size. In guidance on seating at work the Health and Safety Executive says that seating should be comfortable and should allow for frequent changes in posture and for getting to and from the workstation easily. To avoid stress and anxiety,

women who are pregnant or planning children should be allowed to transfer to nonDSE (Display Screen Equipment) work if they wish."

and...

"Where women of childbearing age are employed and there is any potential hazard likely to affect a new or expectant mother, [the risk assessment] must include an assessment of that risk. This is regardless of whether the employer knows that any of the women are pregnant.



"Once any woman notifies their employer they are pregnant, or has given birth in the last six months, or is breastfeeding, if the risk cannot be removed, then the worker can be suspended on full pay. There are also restrictions on night work for new and expectant mothers if it is likely to damage her health."

Suitable facilities must be provided for pregnant or nursing workers to rest.



Organising Collective Solutions

Being aware of your health & safety rights and pointing them out to your boss is unlikely to get you very far. You need to act collectively in order to have a fighting chance of enforcing all but the most basic of health & safety laws.

This is because it is fairly easy for an employer to ignore even the most vocal of individuals, especially when the boss is aware that they are unlikely to run into trouble with an understaffed & tame enforcement authority. {for offices and shops the agency responsible for the enforcement of health & safety law is the local authority, for larger premises such as factories and hospitals it is the Health & Safety Executive (HSE)}

Worse still, lone voices highlighting uncomfortable truths risk victimisation and even dismissal.

How best to organise depends on the level of trade

union organisation in your workplace.

In workplaces where there is a recognition agreement with a union it is probably best to get together with other union members and elect a safety rep, assuming you don't have one already of course. Safety reps still enjoy a level of legal protection not afforded to the average worker.

They are provided with a reasonable level of training by the union and often end up knowing considerably more than management does about health & safety. If they combine this knowledge with collective pressure then considerable advances are possible.

This approach is not without its risks. Union safety reps were so effective on construction sites that the employers started operating a secretive blacklist in an attempt to minimise the power of these rank and file militants. Similar lists and strategies are likely to be in place in many other industries but most safety reps are still able to operate on a day to day basis, to varying degrees of influence.

A common tactic used by the more savvy employers to neuter the threat posed by safety reps is to create a number of bureaucratic structures where health & safety issues and concerns get stuck, never to be satisfactorily resolved.



With the large social democratic unions now concentrated in the large public service industries (e.g. post, transport, education, healthcare & local government), the vast majority of offices in the private and voluntary sectors are not unionised. In these circumstances you need to tread more carefully.

This is not to say you can't organise or achieve much. In fact in many ways it can be an advantage as your employer is unlikely to have much experience in dealing with unions and you may be able to wrong-foot them fairly easily as a result.

In both circumstances it is advisable to start with an issue that affects a lot of workers, is relatively minor and can be linked to a clear health & safety breach. You will probably already know what issues most annoy your workmates but you can ask around, carry out a survey or even do your own mini workplace inspection. You can use one of the freely available trade union resources as a guide (for example the checklist produced by the TUC here: www.tuc.org.uk/sites/default/files/extras/insbooklet30auglowres.pdf).

Once you have decided on your issue, do your homework. Check out the various health & safety regulations by researching the Health & Safety Executive's (HSE) website and various union publications. UNISON's Health & Safety Six Pack (*www.unison.org.uk/upload/sharepoint/On%20line%20Catalogue/13101.pdf*) is a good starting point but always check the precise

wording of the relevant regulation online as well. It is also worth searching the Hazards website (*www.hazards.org*) for your chosen issue as they have produced a number of excellent fact-sheets on a range of health & safety topics.

When you are confident that you have all the relevant information you need, you then need to call a meeting with your workmates.

Pick the colleagues that you trust and who you are confident won't bend at the first sign

of resistance from management. This doesn't have to be a huge number of people, even four or five wellinformed, determined and (most importantly) united workers can be a right royal pain in the arse for the boss. Lunchtime meetings are good as more people are likely to attend and just by meeting you are enforcing your statutory right to a break. It is probably advisable to hold your initial meetings outside of the workplace but as you grow in confidence using the canteen or a separate room to meet can really unsettle the boss and demonstrate to other workers that a workplace union branch is active. As the saying goes, today's observers are tomorrow's participants.



Once your workplace union branch is well informed and has agreed on the issue to take forward you can then decide on your next steps. This could be talking to other workers or producing a newsletter highlighting your boss's criminal negligence (health & safety law is criminal law) and the potential effects on workers.

Many hazards are invisible (e.g. exposure to many hazardous substances) and others can have a cumulative as well as an immediate impact (e.g. poor manual handling arrangements) and so there is often an educational dimension to health & safety campaigns.

You could also decide to go head to head with the boss and demand change. At first



you could even highlight the advantages for the boss of acceding to your demand (e.g. a happy workforce is a more productive workforce) in order to appear less confrontational and elicit less resistance. If your boss ignores you or refuses to implement change, then you need a pre-planned strategy to apply collective pressure. This could be a mysterious wave of sickness to disrupt services / production (assuming you still get paid of course) or it could be a refusal to perform certain tasks considered unsafe.

Other tried and tested syndicalist tactics can be used such as 'the good work strike' where production is

slowed down to a snail's pace as each and every component of the job is attended to in great detail. You can also threaten your boss with the enforcement authorities but they may call your bluff on this and in all likelihood the local authority or HSE will not respond in the way you would like (if at all).

It is important that you manage your own expectations and those of your workmates, given that it is unlikely your boss will roll over and give you everything you ask for without a proper scrap. You might want to hold a discussion together in advance about what a victory looks like. The means is just as important as the end here as you are building knowledge, confidence, solidarity, and a collectivist mindset.

With each struggle people gain experience and skills and you will be better prepared for the next battle.

The key message is not to act alone no matter how frustrated you feel and instead to develop the power of the collective. Once the boss hears the trampling of many boots heading his/her way they will turn on their heels.

Before you know it they will be asking the union branch's permission before they change the colour of the toilet paper...



Further Information

▶ Unison's "Health and Safety 'SixPack'"

www.unison.org.uk/upload/sharepoint/On%20line%20Catalogue/13101.pdf

Hazards Magazine

www.hazards.org/index.htm

▶ RSI

www.hazards.org/strains

Computer Workstations

www.hazards.org/workstations/index.htm

Organising

www.hazards.org/organise/index.htm

Stress

www.hazards.org/stress/index.htm

Toilet Breaks

www.hazards.org/toiletbreaks/index.htm

Risks to Women

www.hazards.org/women/index.htm

Stress

▶ Health and Safety Executive (HSE) page on stress research

www.hse.gov.uk/stress/research.htm

Trade Union Congress (TUC) page on stress

www.tuc.org.uk/workplaceissues32

HSE stress management standards

www.hse.gov.uk/stress/standards

▶ Report on workplace stress, with a focus on the effects of the 2008 recession *people.ds.cam.ac.uk/mb65/documents/chandola2010.pdf*

Computer use

• "Workrave" is a program that makes you take breaks and suggests exercises *www.workrave.org*

► HSE leaflet (for employers) on working with "Display Screen Equipment" www.hse.gov.uk/pubns/indg36.pdf

► TUC "Display Screen Equipment" (computers) information www.tuc.org.uk/workplaceissues/ displayscreenequipment.cfm

UNISON guide to health and safety on Laptops

camdenunison.files.wordpress.com/2013/04/laptops.pdf

▶ TUC information on "UpperLimb Disorders" (including RSI)

www.tuc.org.uk/workplaceissues/work_related_upper_limb_disorders.cfm

▶ HSE book "upperlimb disorders in the workplace"

www.hse.gov.uk/pubns/books/hsg60.htm

Microsoft 'healthy computing guide' –

www.microsoft.com/hardware/engb/support/healthycomputingguide

Harvard RSI action

www.rsi.deas.harvard.edu

▶ Key advice on RSI

www.rsipain.com

▶ 10 simple RSI prevention tips –

 $www.rsiprevention.com/rsi_prevention.php$

NHS information on RSI

www.nhs.uk/conditions/repetitivestraininjury/Pages/Introduction.aspx

NHS Advice

www.nhs.uk/Livewell/workplacehealth/Pages/rsi.aspx

RSI Action

www.rsiaction.org.uk

▶ RSI exercises, in depth information, further reading

web.eecs.umich.edu/~cscott/rsi.html

► Eyesight

• Old Hazards Magazine article on Computer Vision Syndrome

www.hazards.org/haz58/cvs.htm

Specsavers information page

www.specsavers.co.uk/eyehealth/computereyestrainsymptoms and solutions

Sick Building Syndrome

NHS website: www.nhs.uk/conditions/sickbuildingsyndrome/Pages/Introduction.aspx

See "Workplace Health and Safety, an AnarchoSyndicalist Approach", for more ideas on getting your rights respected

www.solfed.org.uk/health and safe ty at work an an archosyndical is tapproach the same transformation of the same transformatio



About Solidarity Federation



Solidarity Federation (SolFed) federates groups across England, Scotland, Wales and Ireland into a non-hierarchical solidarity movement, via Locals..

What's a Local?

Locals put solidarity into practice. Each aims to have a premises as a base for solidarity work. Locals get involved in community campaigns and at work. Issues are wide-ranging: defending our environment, our health, opposing racism — in fact, anything affecting our mutual quality of life.

Direct Action

Direct Action is the tool which Locals use in all their work. At a basic level, this can be simply awareness-raising through leaflets, bulletins and public meetings but it is not limited to these. It means a physical presence in defending and promoting a better quality of life. Fundamental to direct action is relying on ourselves to achieve goals. SolFed will accept neither leadership, charity, nor guidance from government or business.

Networking

Members in the same industry form Networks to promote solidarity and use direct action to fight for better pay and conditions. This is a new form of labour movement, nothing like TUC trade unions, which are weakened by ridiculous laws, hierarchical power structures and officials dependent on the union for income, rather than actively working in the jobs affected.

Where Next?

As Locals and Networks grow, they practice community and workers' self-management. Eventually, industries should be run by their workers (in Networks) and people in the wider community (Locals) who want the goods and services they provide. This is no flight of fancy. As the solidarity movement grows in members and influence, so does the scope for change.

Getting Involved

For more information and online contacts check out www.solfed.org.uk, or write to SolFed at 84b Whitechapel High Street, London E1 $7\rm{QX}$

The office environment is often unhealthy and sometimes unsafe, especially if you don't know what legal rights you have.

This pamphlet, collated by Bristol Soldarity Federation, offers a simple, easy to understand rundown of your rights, from general laws to specifics around the office environment.

A handy jargon buster is included along with helpful tips for dealing with common problems like RSI, eye strain and stress.

And the final section is possibly the most important of all — looking at how we can organise collectively to make our work permanently safer and healthier.

Struggling? You aren't alone.