



Risks Newsletter



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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 12,000 subscribers and 1,500 on the TUC website. To receive this bulletin every week, click [here](#). Past issues are [available](#). This edition contains [Useful links](#) [TUC courses for safety reps](#) [Disclaimer](#) and [Privacy statement](#).

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ACTION

Smoking vote on 14 February

MPs will have the chance to clear the air and vote for a ban on smoking that includes all pubs and clubs in England when the health bill is debated in the House of Commons on 14 February. The government agreed that Labour MPs should be allowed a free vote on the issue after many backbenchers expressed concern that a partial ban plan would allow smoking to continue in private clubs and non-food serving pubs. Unions representing hospitality staff have campaigned energetically for a ban, arguing that their members should not have to risk their health inhaling other people's smoke. TUC is urging MPs to support these workers and vote for a total ban on smoking in public places. The British Beer and Pub Association is backing the call for a no-exceptions smoking ban.

- Tell your MP to vote for a total smoking ban! [To find your MP](#), all you need to know is your constituency or your postcode.
- [BBPA news release](#). [TUC smoking webpages](#). [Hazards smoking news and resources](#).

UNION NEWS

NUM to launch joint damage test case

Thousands of South Wales miners who have suffered damage to their joints could benefit from a major legal test case being launched by their union. The National Union of Mineworkers (NUM) says many miners and former miners who worked in cramped conditions, in narrow seams with inadequate protection, have suffered debilitating osteoarthritis in their knees. In later life, this has resulted in chronic pain and difficulty in walking and bending. Wayne Thomas, secretary of the NUM South Wales area, said: "Many miners have suffered severe problems to their legs because of the conditions they worked in. This has resulted in many suffering severe pain and mobility problems." He added: "We believe that British Coal were aware of the problem but

failed to do anything about it. The union has decided to invest in a major legal case on behalf of these men to obtain compensation." The union is urging former members to use only the recommended NUM legal firm, Thompsons Solicitors, "who will be involved in the legal action and who will co-ordinate all south Wales miners' claims on behalf of the NUM." Recent research has linked heavy work to early onset of osteoarthritis ([Risks 231](#)) and to higher levels of long-term sick leave ([Risks 231](#)).

- [Cowbridge Today](#).
- [Hazards work and health webpages](#).

Machete attack "linked to government cuts"

A machete attack on a Birmingham job centre worker is linked to a massive programme of job cuts, a union has said. PCS said the assault on a Jobcentre Plus employee at Washwood Heath jobcentre has a direct link to the effect job cuts are having on service users. The stabbing occurred after a claimant was refused a face-to-face interview and was instead referred to a telephone to contact the DWP's call centre. At this point the customer produced a machete and assaulted the 25-year-old member of staff, who received a head injury. PCS president Janice Godrich, who also works in the DWP, commented: "We totally condemn this assault and our sympathy is with the member of staff attacked. However, we believe this sort of incident is only avoidable if jobcentres are properly staffed. Since the introduction of the modernisation programme, which will see 30,000 jobs going in three years, we have already seen a 62 per cent rise in violence against those working in the DWP." Mark Serwotka, PCS general secretary, said 80,000 PCS members took strike action last week "to protect the services provided by the DWP in the face of massive job cuts." He added: "We once again call on the government to halt the job cuts and to take stock of the impact on service delivery and particularly the impact on those who use the service, many of whom are among the most

vulnerable in society.” A 34-year-old man has been arrested in connection with the attack and has been charged with wounding with intent.

- [PCS news release. Inside Public. BBC News Online.](#)

Council staff sick of bad treatment

Council workers in Tower Hamlets, east London, walked out on a one day strike on Tuesday to protest what they believe to be a punitive new sickness absence procedure. The workers’ union, UNISON, says the changes in the council’s sickness policy were introduced without adequate consultation. The union adds the new policy, which requires some sick workers to phone a call centre every day they are off, is “an unnecessary and intimidating procedure.” UNISON branch chair John McLoughlin said the council was “saying you can’t work here unless you can guarantee to have less than five days a year off sick”. He added: “We live and work in one of London’s poorest communities with some of the highest levels of health problems – but the council doesn’t want to know – all they care about are government targets. Union pleas to work together positively to address health issues have fallen on deaf ears”. He said the strike action was “pretty solid”. UNISON branch secretary Jean Geldart said: “Staff are sick of the council’s bullying approach,” and added: “They introduced the call centre with no consultation and despite our efforts to get meaningful negotiations they have just ploughed ahead”.

- [Socialist Worker. Personnel Today.](#)
- [Hazards magazine sickness absence webpages.](#)

Injured TV freelance gets injury payout

A freelance location manager who broke a knee cap and elbow after safety warnings were

ignored on the set of a TV drama has been awarded compensation. Chris Hordley, a member of the TV and theatre union BECTU, was working on David Jason's directing debut, ‘The Quest’. High winds at the Lake District location meant the area was so dangerous that only key staff were allowed to enter the set on the side of Lake Buttermere. Against advice that it was too dangerous to film, a decision was taken to proceed even though the wind was causing “mini tidal waves” on the lake and winds would suddenly hit people without warning and with force. Mr Hordley and many others expressed their concerns about the weather conditions to senior members of Granada staff, however the production management chose to disregard the obvious risks and sent four members of the crew, including Mr Hordley, to the higher and more exposed Honister Pass in search of a new location. A gust of wind subsequently caught the group, causing them all to fall over. Mr Hordley was blown from the road and landed in a rocky beck, suffering significant injuries including a broken kneecap and elbow. BECTU assistant general secretary Gerry Morrissey said the case “has illustrated to members the need for individuals to take health and safety issues seriously and for our members to stand up to companies that put their lives in danger. The situation could have been worse, and this compensation goes some way to alleviating the stress and anxiety caused by Granada's conduct on this particular production.” The settlement sum was not disclosed.

- [Thompsons Solicitors news release.](#)

Northern Electric pays for ladder fall

A company that failed to provide a safety aid or required safety training has agreed to a compensation settlement after a worker was injured. Amicus member Kevin Noble, 52, received the undisclosed sum from Northern Electric Plc. The rapid response electrician cracked several ribs in a 2003 fall from his company vehicle while trying to secure a ladder

to its roof. Northern Electricity Plc admitted liability for the accident because at the time of the accident the company van was fitted with a static ladder rack on the roof, which could not be reached from the ground. Mr Noble was never provided with training on to how to access the roof or any recommended way of removing or replacing the ladders until after the accident. Graham Goddard, regional secretary for Amicus, said: “We’re very relieved that our member can finally claim the compensation he deserves. We are also pleased that this ruling has led to a decision by Northern Electric Plc to fit a sliding rack, known as an easy load ladder, to every van. This will prevent further injuries of this type occurring to our members.” The device is fitted to the roof and is pulled off the roof using a handle. The rack then leans against the back of the van whilst the ladders are undone, which means the ladders can be untied or refastened on the ground.

- [Thompsons Solicitors news release.](#)
- [HSE falls webpage.](#) [HSE ladders webpage.](#)

Union calls for Channel safety action

Urgent action must be taken to address shipping safety, ship officers’ union NUMAST has said. The union says there are ‘alarming signs’ of a decline in safety standards around the UK coast. Commenting after last week’s collision in the Channel ([Risks 242](#)), the union said in the last two years alone there have been at least seven cases in which foreign shipmasters have been prosecuted following ‘near-miss’ incidents in the Channel shipping traffic separation scheme. This included one case in which a ship sailed for more than 14 miles in the wrong direction. “We believe these incidents should serve as a wake-up call to the authorities,” said NUMAST general secretary Brian Orrell, “and we are not alone in feeling disturbed at trends within the industry at present. Around 90 per cent of collisions at sea are the result of human factors, yet the industry continues to crew its ships on the basis of cheapness rather than competence.” He added:

“Problems such as fatigue and cuts in crewing levels are adding to the risks, and it is time the complacency ended.”

- [NUMAST news release.](#)

OTHER NEWS

Are directors getting on board?

Are company directors taking any notice of the Health and Safety Executive’s exhortation that firms assign directorial responsibility for safety to a board director? A new report for HSE “brings together the results of three surveys in 2001/02, 2003 and 2005 of the extent to which there is board level direction of health and safety in large private and public sector organisations.” The report says the percentage reporting health and safety is directed at board level has risen from 58 per cent in 2001 to 66 per cent in 2003 and 79 per cent in 2005. The report concludes that whilst only a minority of directors/managers spontaneously cite defining directors’ duties in law as effective option, the majority think defining duties in law would be useful, and only a small minority spontaneously report that this would have negative consequences, deterring people from being directors or making health and safety a matter of liability management.

- [HSE report summary.](#) Health and safety responsibilities of company directors and management board members: 2001, 2003 and 2005 surveys, RR414, HSE [[pdf](#)].

Less than £100 would have saved a life

The death of worker who was crushed at a packaging firm could have been prevented by spending less than £100, a court has heard. Lincolnshire packaging company DS Smith Packaging Ltd was fined £75,000 after worker Colin Blades, 34, was dragged into a machine

and crushed to death. He had reached inside a press to free a blockage when he inadvertently started it up again. Mr Blades was killed whilst on a night shift at the plant in Louth on 4 August 2004, the court heard. David Travers, prosecuting, said the danger should have been clear and foreseeable to the firm. He added that Mr Blades was considered a careful worker who did not take risks. At Lincoln Crown Court, the firm admitted breaching the Health and Safety at Work Act by failing to ensure the worker's safety. Judge Jeremy Lea said he accepted the firm had not taken a risk to increase its profits, but said there had been a failure to foresee that the lack of safety on the machine might result in "catastrophic injury or death." After the hearing Simon Jones, of the Health and Safety Executive, said a metal plate costing just £100 would have prevented the accident. In addition to the £75,000 fine, the company was ordered to pay £13,300 in costs.

- [Louth Today. Grimsby Telegraph. BBC News Online.](#)

Waste sector wastes another life

Another fatal accident has hit the notoriously dangerous waste management sector. A 52-year-old man from London, who has not yet been named by the authorities, was hit by a vehicle at the Eversley waste transfer station in Hampshire on Thursday 2 February. The site, near Hartley-Wintney, is run by waste management company Biffa Waste Services. A spokesperson for the Health and Safety Executive (HSE) confirmed: "A 52-year-old man from London was hit by a truck at a Biffa site and later died in hospital. The incident was jointly investigated by the police and the Health and Safety Executive and is now in the hands of the HSE." An HSE report in 2004 noted fatality rates in the waste industry were over 10 times the national average ([Risks 162](#)). The report also found accident rates were four times that for all jobs. In July 2004, HSE witnessed the signing of an "accident reduction charter", a voluntary measure by the waste

industry trade group, the Environmental Services Association.

- [Letsrecycle.com. HSE waste webpage.](#)

Firm fined after man is crushed

An Avonmouth firm is facing a hefty fine after a worker was crushed by a metal gate weighing more than a third of a ton. North Avon magistrates heard Lionel Power, 61, suffered multiple injuries when the gate fell on him. He was left permanently disabled. Mr Power was one of three workers from Bideem Construction asked to move five large metal gates. The job went wrong and Mr Power finished up with a crushed hip, ruptured bowel, broken leg, broken ribs, internal bleeding and severe bruising to internal organs. The firm admitted it was to blame for the accident, but the court decided that the maximum £25,000 fine it could impose was too low to reflect the gravity of the offence. Instead of sentencing, it sent the case to Bristol Crown Court where there is no ceiling on possible fines. Christopher Johnson, prosecuting for South Gloucestershire Council's health and safety department, said the gates had been installed using mechanical lifting equipment, but no such equipment had been used in the attempt to take them down. Bideem Construction, now owned by John Sisk and Sons, based in St Albans, Herts, admitted two offences of failing to ensure the safety of its workers.

- [Bristol Evening Post.](#)

Suicide verdict on bullied factory worker

A father of four killed himself after being bullied by his managers for two years, an inquest has heard. Anthony McDermott, 50, left a letter explaining his factory floor ordeal before hanging himself. He worked for the same firm for 14 years but the hearing was told that at the end he found a bullying campaign "soul

destroying and demeaning”. The final straw came when a colleague took a photo of him having a cigarette outside the factory, which operates a no-smoking policy. The father of four was said to have been ridiculed after the picture was circulated on the firm’s computer network. He complained to his manager but was issued with the firm’s first warning for breaching the no-smoking policy. Coroner John Pollard read a short extract from the handwritten note found in Mr McDermott’s shirt pocket following his death. It said: “The reason for this is for the last two years I’ve been bullied at work by management and this includes a photo of myself being taken.” Mr Pollard recorded a verdict that Mr McDermott took his own life, but said he did not wish to comment on what had been worrying him. No one from the company - metal detector maker Mettler-Toledo Safeline Ltd, Salford, Gtr Manchester - gave evidence at the Stockport inquest. Mr McDermott’s daughter Victoria, 25, said: “I would like to see the people who bullied my father brought to justice.”

- [Manchester Evening News](#). [The Sun](#). [The Guardian](#).

Grandfather killed by work with asbestos



A grandfather who worked most of his life for British Rail died as a result of exposure to asbestos, an inquest has heard. Leonard Foster, 64, of Appleby, started work cleaning steam engines as a 15-year-old, and in a statement written before his death he said he was regularly exposed to asbestos at work. In February 2005 he started to experience pain in his back which he thought was a pulled muscle. In April he learnt he was suffering from the asbestos cancer mesothelioma. He died in October. North east Cumbria coroner David Osborne said Mr Foster died as a result of exposure to asbestos which caused mesothelioma and ultimately bronchial pneumonia. He recorded a verdict of death due to industrial

disease. Unions and asbestos disease organisations are backing a national Action Mesothelioma Day on 27 February. The event aims to highlight the issue of mesothelioma - or meso – an asbestos cancer which already kills almost 2,000 people each year in the UK, or about one every five hours. The British Lung Foundation, which is coordinating the action day, wants organisations and individuals to sign up to an “Action Mesothelioma Charter”.

- [News and Star](#).
- [Action Mesothelioma Day](#). [Sign the Action Mesothelioma Charter](#).
- Hazards [asbestos](#) and [cancer](#) news and resources.

Bereaved to have more rights at inquests

Bereaved families are to get more rights at inquests in England and Wales, the government has said. Constitutional affairs minister Harriet Harman told MPs the coroner system could be “much, much better” adding that inquests today are held amid a fragmented, unaccountable and archaic system. “New laws will put a proper focus on bereaved families, strengthen the role of coroners and establish national leadership through a new post of Chief Coroner,” she said. “We will give families a proper legal standing in the system - setting out the way the system should deal with them. We will give families a right to ask the coroner for a ‘second opinion’ on a death certificate about which they have concerns, the right to challenge coroners' rulings and establish a complaints system.” A draft Coroner Reform Bill will be published in April this year. For the first time since the role of coroners was introduced - in 1275 - there will be a Chief Coroner for England and Wales, providing national, professional leadership and guidance to coroners. The Chief Coroner will hear appeals against coroners' rulings, be responsible for coroners' training and be able to bring judges in to handle complex cases.

- [DCA news release. Harriet Harman's 6 February oral statement to parliament.](#)

- [ETI news release. STUC news release.](#)

PM urged to act on gangmaster abuse

Top food industry, union and human rights organisations have joined forces to press Tony Blair to introduce immediately a comprehensive law to prevent the abuse of an estimated 600,000 temporary workers. The call came on 5 February, the second anniversary of the death of 23 cockle pickers at Morecambe Bay ([Risks 164](#)). A letter to the prime minister, with signatories including representatives of food retailers Asda, Tesco, Sainsbury's and Waitrose and union organisations TUC, GMB and TGWU, warns that a failure to agree on the scope of the Gangmasters Licensing Act will lead to a significant delay in implementing these new protections for vulnerable workers. A key concern is the proposed exclusion from the act of food processing workers. The letter notes: "We urge you to make it clear to all departments that your government's policy with regard to this Act is unambiguous: exclusions must be kept to a minimum; food processing must not be removed from the scope of the Act and the timetable for issuing licences must be adhered to." The letter concludes: "We sincerely hope that you will take the opportunity of this important anniversary to restate your commitment to this new law so that we can move forward, united in our resolve to tackle the serious abuse of workers by illegal labour providers." The letter is signed by Asda company secretary John Longworth, who is also a member of the Health and Safety Commission. In Scotland, a scare where a group of Polish cockle pickers were mistakenly feared missing last week, prompted STUC to call for "maximum resources" for the enforcement of the gangmasters' legislation. STUC assistant secretary Dave Moxham added: "Whilst this was only a scare, the STUC do not want agencies to wait for another tragedy before acting. We understand that a number of incidents have been attended by police and ambulance over the past month".

Six figure payout for teacher after death threat

A teacher who quit her job at a Birmingham special school after being threatened by a thug has won a £330,000 payout from Birmingham city council. Anna Mongey, who was 43 at the time of the attack in 2001, received the out-of-court settlement after the intruder, understood to have been freed a short time earlier from a jail sentence for violent crime, confronted her at Lindsworth Special School. Ms Mongey ordered him out of her class but he threatened to return for her. She was not hurt but never returned to her job and launched legal action believed to relate to risk assessment procedures. Teaching unions welcomed the settlement and called on heads to protect their staff. "We welcome the fact the council recognises its duty of care to its teachers, as reflected in the value of the settlement," said Bill Anderson of Birmingham NUT branch. "Clearly there are other principles at stake, in particular the issue of staff security." Chris Keates, general secretary of NASUWT, said: "There will of course be a view among some people that employees appear to secure large amounts of compensation." She added: "Instead of the focus being on the level of compensation, questions should be asked about the actions and negligence of employers which caused the problems in the first place. It is in the interests of employees for employers to take their legal duty of care for those they employ seriously. It is also in the public interest to avoid the loss of skilled and expert workers and the payout of large amounts of public money." A Birmingham city council spokesperson confirmed the payout and said the authority had learned lessons from the case.

- [Birmingham Post. The Telegraph. 24dash.com. The Guardian. BBC News Online.](#)

Cash delivery staff need protection

MPs are urging the government to take action to combat attacks on cash delivery staff. A parliamentary early day motion (EDM) tabled on behalf of the British Security Industry Association (BSIA) and the GMB trade union has gained significant backing from MPs. The EDM, which calls on the government to recognise attacks against cash-in-transit (CIT) couriers as “a human rather than purely business crime and to tackle the problem urgently as part of its wider organised crime agenda”, had the backing of 86 cross-party MPs by 9 February and is on course to go beyond 100 names. The EDM is part of a joint campaign by the BSIA and the GMB union to highlight the scale of attacks against CIT couriers ([Risks 240](#)). Gary Smith, GMB national officer for the security industry, said: “This campaign aims to acknowledge the dangers facing our members and to set out clear proposals for ensuring that they can operate in a safe environment. Increasingly our members are facing more violent criminals and they deserve better support from the police and government. It's no good waiting until a courier or another member of the public is killed.” The groups say an industry study found the robbery of a CIT vehicle can result directly in up to fifteen other crimes being committed before or after the attack, and the proceeds are used to fund other criminal activity. GMB says there were 836 CIT attacks in the UK in 2005, up from 763 in 2004.

- [GMB news release. EDM 967.](#)

INTERNATIONAL NEWS

Europe: EU backs new hours rules for working drivers

The European Parliament has approved a law designed to tighten up on the number of hours coach and lorry drivers spend behind the wheel. The measures, which European drivers' unions say are welcome but do not go far enough, mean that from 1 May new vehicles must be fitted with digital tachographs, which are more accurate and

harder to falsify than older, analogue versions. Coach drivers will be obliged to take a break after six days on the road, instead of the current maximum of 12. The law is expected to get final approval from EU governments in the next few weeks. The changes will also affect coaches and lorries from non-EU countries when they travel on roads inside the EU. The regulations simplify maximum working periods and minimum rest periods for lorry and coach drivers. They may not drive for more than nine hours a day, 56 hours a week or 90 hours a fortnight. They must have uninterrupted rest of at least 11 hours per day - or one period of nine hours and another of three hours - and must rest for at least 45 minutes every 4.5 hours. The amount of time an employee spends driving to and from work to start a shift also counts as work time. Starting in 2008, the number of checks on drivers will also be increased. ETF, the umbrella group for Europe's transport unions, said the improved breaks and checks were welcome, but said “ETF regrets that there isn't any control foreseen for the working time. The new regulation brings some progress but is far from responding to the ETF demands.” It said “a coordination between enforcement authorities, responsible for driving time and those responsible for working time, has to be put into place, at the initiative of the Commission, in order to effectively promote road safety.” ETF added that the new provisions should be extended so they cover all professional drivers.

- [BBC News Online.](#)

USA: Safety watchdog continues immigrant sting ops

The US Bureau of Immigration and Customs Enforcement (ICE) is continuing to impersonate officials from the official safety watchdog OSHA in order to nab undocumented workers. ICE, heavily criticised when the practice was revealed last year, had said in a letter to the National Immigration Law Center that the practice would stop ([Risks 215](#)). ICE agents, impersonating OSHA staff, had sent out a flyer last summer

announcing a mandatory safety training to lure undocumented immigrant workers into arrest at the Seymour Johnson Air Force Base in Goldsboro, North Carolina. When the workers showed up, ICE authorities took into custody dozens of undocumented workers from Mexico, Honduras, El Salvador and Ukraine. In the latest move, ICE officials told immigration and union groups during a closed-door meeting on 30 January that the department will continue to have its agents pose as officials from other agencies, including OSHA, to entrap illegal immigrants at work sites. They say the action is justified on grounds of “national security”. Undocumented workers are killed and injured far more often than non-immigrant workers, because they are frequently involved in the most hazardous jobs with the least training. Workers’ safety advocates say the ICE sting operations will destroy trust between OSHA and this priority group of workers.

- [Confined Space.](#)
- [Hazards migrant workers news and resources.](#)

USA: Why treat workplace killers differently?

What's the most powerful and underutilised legal tool in combating corporate crime and violence? The law making it a crime to kill another person. The latest edition of US newsletter Focus on the Corporation says it is powerful because it levels the playing field between individuals and corporations. It adds it is underutilised “because it's a rare prosecutor who has the guts to bring a homicide charge against a major American corporation.” Unlike a drink driver, “if a large powerful institution - say a corporation or a government - engages in reckless or negligent behaviour, and they kill someone or many someones - they will most likely not be criminally prosecuted for homicide. Why not? The short answer is - they're powerful and you're not.” The newsletter authors, Russell Mokhiber and Robert Weissman, contend: “Even though workplaces are regulated by the federal government, we believe every workplace

death should be investigated by state officials for a possible criminal homicide charge - because our suspicion is that many workplace deaths are the results of recklessness or negligence.” They say they have already called on the local prosecutor in Upshur County, West Virginia “to launch a criminal homicide inquiry into the mine disaster at the Sago Mine that took the lives of 12 miners” ([Risks 239](#)). They point out that prosecutions are possible. Last year a prosecutor in Arizona convicted a company - Far West Water & Sewer - on a negligent homicide charge in connection with the death of two workers. The company was fined \$1.7 million (£975,000).

- [Focus on the Corporation.](#)
- [TUC/Hazards deadly business campaign.](#)

RESOURCES

Barefoot research guide online

A groundbreaking manual on do-it-yourself workplace health and safety research is now available on the TUC safety webpages. ‘Barefoot research: A workers’ manual for organising on work security’ is intended to help workers increase their level of control over their work and contains information on “barefoot” research tools, including body and risk mapping and workplace surveys. TUC says: “The manual was developed by the International Labour Office, but is now hosted by the TUC. However it is for free distribution and we encourage groups to make their own wide distribution of this unique tool.” Do-it-yourself health and safety research techniques were championed in the UK by the TUC-backed Hazards magazine.

- [TUC barefoot research webpages.](#)
- [Hazards do-it-yourself safety research webpages.](#)

TUC courses for safety reps

COURSES FOR JANUARY TO MARCH 2006

- [Northern](#), [North West](#) [South East](#), [Yorkshire and the Humber](#), [South West](#), [Midlands](#), [Scotland](#)

USEFUL LINKS

- **Visit** the TUC http://www.tuc.org.uk/h_and_s/ website pages on health and safety. See what's on offer from [TUC Publications](#) and [What's On in health and safety](#).
- **Subscribe** to [Hazards](#) magazine, supported by the TUC as a key source of information for union safety reps.
- **What's new** in the [HSC/E](#) and the [European Agency](#).
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