

# Risks

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**HAZARDS  
MAGAZINE**

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Risk Debate 

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**Risks** is the TUC's weekly online bulletin for safety reps and others, read each week by over 11,000 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](#).

## UNION NEWS

### **Shell deaths will now be investigated**

Offshore union Amicus has welcomed the Lord Advocate's decision to hold a fatal accident inquiry into two deaths on Shell's Brent Bravo platform in 2003. The Lord Advocate, Scotland's senior law officer, said it would be in the "wider public interest" for an inquiry into the deaths of Keith Moncrieff and Sean McCue, overturning an earlier decision. The men were killed on the North Sea platform in September 2003 ([Risks 200](#)). Shell was subsequently fined £900,000, with the sheriff who heard the case saying the company was guilty of a "substantial catalogue of errors" ([Risks 204](#)). The original decision not to hold a fatal accident inquiry was made last month by the procurator fiscal in Aberdeen ([Risks 211](#)). Amicus regional officer Graham Tran welcomed the turnaround. He said: "It is important that lessons are learnt from such tragic incidents and the only way that these lessons can be learnt is from examining and sharing with others the full details leading up to this tragedy. Many questions remain unanswered and individuals as well as organisations must be questioned on their actions or lack of actions in relation to this tragic incident." In March 2003, just months ahead of the tragedy, offshore unions including Amicus submitted a formal complaint to the Health and Safety Executive, detailed safety concerns about Shell's plans to reorganise in the North Sea ([Risks 98](#)).

- [Amicus news release. BBC News Online.](#)

### **Stressed caretaker faces punitive rent hike**

A school caretaker who is off sick with work-related stress has been hit by the school with a massive rent rise that could eat up two-thirds of her monthly pay cheque. Uma Pandya, the headteacher at Sudbury Primary School, in Wembley, London, has informed the caretaker her rent will double from 1 August 2005. The news arrived in a letter to the worker while she was off sick with work-related stress and aggravated depression. She had been away from work and under the care of Brent Council's occupational health department since February 2005. The new rent of £600 - £200 higher than that paid by any other caretaker in the authority - would have to come out of her current take

home pay of just £900 per month. GMB organiser Tony Warr said he wanted the caretaker, who has not been named by the union because of her frail health, to receive a full apology from the headteacher. "I want the council and the board of governors to reprimand her for the distress and injury her unauthorised action has caused my already ill member," he added. "And I want a copper bottomed assurance that my member's rent will not be increased at all... I am now going to phone our GMB union lawyers and register a personal injury claim on behalf of my member for the work-related stress and depression she has suffered at the hands of this power crazed bullying headteacher, Uma Pandya."

- [GMB news release.](#)

### **£450,000 asthma payouts for Jus-Rol workers**

A union asthma compensation case has led to a series of large settlements for workers at a Tweedmouth factory whose health suffered because of exposure to flour dust. Usdaw member and ex-bakery worker Adam Purvis was awarded more than £57,000 in damages in 2003 after he contracted occupational asthma when he worked for Berwick based dough makers Jus-Rol ([Risks 99](#)). It has now been revealed that 10 compensation claims have so far been settled including two at Newcastle County Court last week, with the total payouts now at £450,000. In the latest cases, both workers were awarded £60,000. Several asthma claims are still outstanding. Mr Purvis's four-year legal claim ended in victory when the company admitted liability after an independent engineer's report, part of evidence assembled for the union-backed case, showed it had failed to comply with safety regulations. Solicitor Kirsten Scott, who represented the workers, said: "It's sad in this modern world that we still have employees suffering long-term health problems as a consequence of an employer's failure to ensure their safety at work." She added: "It's not until the employer, or more often their insurance companies, take a hit that something is done and hopefully that is the case in this instance."

- [Berwick Today.](#)
- [Hazards compensation webpages.](#)

### **GMB wants Europe to outlaw tagging at work**

The GMB is calling on the European Commission (EC) to outlaw the use

of electronic tags to track workers. A report last month from the union said workers in the warehouse sector were being “dehumanised” and “reduced to robots” by the tags ([Risks 210](#)). The report has now been passed to the EC and to MEPs by the GMB's Brussels office, with a call for them to look again at the data protection and privacy implications of the use of radio frequency identification (RFID) and GPS satellite-linked wearable computers. The union report warned that the devices, many of which are worn on the wrist, could lead to new occupational diseases. Paul Kenny, GMB's acting general secretary, said European lawmakers appeared “blissfully unaware” of the privacy implications of the technology. “Their last effort in January 2005 dealt only with the possible use of the technology with regard to products,” he said. “It does not address the privacy and personnel tracking issues at all. Europe wide legislation is urgently needed as this tracking technology is already in use in Britain. No one has been consulted about its introduction and use and workers rights to privacy are being undermined. GMB is now raising the matter directly with the Commission.” Reports have linked oppressive workplace monitoring to a range of occupational health problems, including musculoskeletal disorders and stress.

- [GMB news release. Personnel Today.](#)
- [Hazards workplace privacy webpages.](#)

### **Union “sickened” at belated Hatfield guilty admission**

The leader of train drivers' union ASLEF has said he is “sickened and astonished” by Balfour Beatty's guilty plea this week on safety charges relating to the Hatfield train crash, over four years after the tragedy. The change of plea at the Old Bailey comes after the judge last week threw out manslaughter charges against the company and five rail bosses. A union statement said a “terrible saga” began with four tragic deaths in the Hatfield train crash in October 2000 ([Risks 190](#)). ASLEF added the “aftermath has shown us the most cynical side of big business and the most appalling aspects of British law.” Speaking on 18 July, ASLEF general secretary Keith Norman said: “Last week individual managers got off scot-free, although it had been established that they had ignored clear warnings that the track was unsafe. Today, having protected its bosses, the company casually admits its guilt. If these senior managers were guilty today, they were guilty last week. The only difference is that they've now been protected by their friends. British industry has today assumed the moral standards of Al Capone.” He added: “I feel sickened as a trade union leader. I can't bear to

think how the bereaved must feel." The change of plea at the Old Bailey comes after the judge last week threw out manslaughter charges against the Balfour Beatty, Railtrack – now Network Rail – and five rail bosses ([Risks 215](#)).

- [ASLEF news release](#). [CWU news release](#). [BBC News Online](#).

## OTHER NEWS

### **Deaths fall as rail maintenance goes in-house**

The decision to take rail maintenance back in-house has had a positive impact on rail safety, an official report says. The Health and Safety Executive's annual report on railway safety says four rail staff died in 2004/5, down from nine the previous year. Three of the deaths in 2004/5 were track workers, down from six the year before. Major injuries were down to 301, from 347 in 2003/04. There were 1,433 injuries requiring more than three consecutive days sick leave, down from 1,946 the previous year. HSE director of rail safety, Dr Allan Sefton, commented: "The decision by Network Rail to bring maintenance 'in-house' is without a doubt an opportunity to improve track risk management and we are already seeing some positive results of this change in policy. A fresh approach and focus on the management of risk and real changes to the culture of risk management in the boardrooms of Network Rail and train operating companies should be recognised and encouraged." Assaults on staff also fell, to 231 from 263 in 2003/2004. Rail unions had called for maintenance to be taken in-house as a safety measure, a move agreed by Network Rail in November 2003 ([Risks 130](#)). The report will be the last on Britain's railways to be published by HSE, as responsibility transfers from HSC/E to the Office of Rail Regulation (ORR) around the end of 2005. TUC and unions were critical of the creation of ORR ([Risks 164](#)), which they say could face possible conflicts of interest as it is responsible for policing both the safety and commercial performance of the railways ([Risks 165](#)).

- [HSE news release](#). [Railway safety – HSE's Annual Report on the safety record of the railways in Great Britain during 2004](#).

**Risk tolerance is the real workplace killer**

In the week after safety minister Lord Hunt launched an online Health and Safety Executive (HSE) debate about "the causes of risk aversion in health and safety", a series of tragedies have highlighted a far more pressing problem – deadly risk tolerance by employers. On the day after the debate was launched, four defendants were fined a total of £80,000 at Reading Crown Court, following the deaths of two Polish migrant workers on a Berkshire fruit farm. Harry Hall and his father Mark, directors of Hall Hunter Partnership (Farming) Ltd, were found guilty of safety offences after the two men died a horrific death when they became entangled between rope and a rotating shaft while using a tractor-mounted machine to wind up the long lengths of rope used to secure polytunnels. Judge Jonathan Playford QC, said: "In relation to Hall Hunter Partnership, no adequate risk assessment had been carried out and it was particular to the partnership to address this problem because they had 300 workers, many of whom were students and many from abroad who may not have had full understanding of safe working practices." The day the risk aversion debate was launched, Graeme Wallace, who operated an Interlink Express depot, was fined £4,000 with £2,000 costs after a worker was seriously injured in a forklift accident. Wallace had failed to carry out an adequate risk assessment. Also this week, Paul's Cash & Carry in Sutton was fined almost £18,000 after it was prosecuted for safety breaches after an employee fell from a wooden ladder. The court was told risk assessment procedures were inadequate and had not been reviewed for 10 years. Mondi Packaging (GB) Limited was fined £16,000 on 18 July following an accident in which an employee suffered serious burns after trapping his hand in a machine. It had failed to complete a risk assessment.

- [HSE news release](#) and [commentary](#) on migrant workers' case. [HSE news release](#) on the Interlink Express case. [Sutton Guardian](#). [Eastern Daily Press](#).
- **Have your say! To register online and tell HSE what you think about "risk aversion", go to the [HSE risk debate webpage](#) and [forum](#).**

### **Select committees to investigate manslaughter bill**

Two top select committees are to undertake a joint enquiry "to consider and report on the government's draft Corporate Manslaughter Bill." The Home Affairs and Work and Pensions Committees announced this week they have created two sub-committees which will work together in scrutinising the draft Bill. The draft, published by the

government in March, proposes the creation of a new statutory offence of corporate manslaughter, designed to hold "companies and other organisations to account where gross failings by their senior managers have fatal consequences". The new offence would replace the existing common law offence of corporate manslaughter under which the committees say it has proved impossible to prosecute large companies with complex management structures. Unions have been critical of aspects of the bill, particularly the absence of any directors' duties ([Risks 200](#)). Speaking at joint TUC and Centre for Corporate Accountability conference last month, TUC general secretary Brendan Barber said: "Under the draft bill only corporations will be able to be held to account. That leads to two problems. The first is that it is not corporations that kill people. A corporation is just a piece a paper. It is actually the decisions of those at the top of organisations, or their lack of actions, that lead to deaths. The other problem is that you can't put a corporation in prison" ([Risks 211](#)).

- [Home Office Corporate Manslaughter Bill webpage](#). **Submissions to the joint enquiry can be sent to the [Home Affairs Committee](#), 7 Millbank, London, SW1P 3JA. Evidence submitted to the Home Office consultation on the bill will be available to this enquiry, but organisations wishing their submissions to be considered formal evidence to the enquiry must confirm this in writing before 16 September 2005.**
- [TUC/Hazards deadly business campaign](#). [Centre for Corporate Accountability](#).

### **Boss fined after security guard is asphyxiated**

A company boss was fined £50,000 for breaches of health and safety laws which led to the death of an employee. Security guard David Bleak, 52, from Ramsgate in Kent, died from carbon monoxide poisoning while working at the former Ashford Hospital on 13 November 2001. He was working near a petrol heater at the unventilated site. Philip Royle, chair of Royle Security, was fined at Maidstone Crown Court after pleading guilty to the charges at an earlier hearing. Mr Royle's company was ordered to pay a further £10,000 for the breaches. The heater had been used to provide security guards with light and hot water. Mr Bleak was found unconscious at the site and later died from inhaling carbon monoxide. Speaking outside court, HSE inspector Maria Strangward said: "This

was a tragic and preventable incident that claimed the life of a man and the HSE takes incidents such as this very seriously. Petrol heaters should not be placed in unventilated areas under any circumstances, as underlined by this prosecution.”

- [HSE news release](#). [Kent Messenger](#). [BBC News Online](#).

### **Woozy forecourt workers crash going home**

Petrol station workers are more than twice as likely to have an accident while driving home as on the way to work. This is the first confirmation of a link between low-level exposure to petrol fumes and road accidents. Even motorists inhaling petrol fumes at a self-service station may be more likely to have a crash, according to Dr Jung-Der Wang at the National Taiwan University, Taipei, who led the study. His team looked at the number of road accidents experienced by a group of 20,000 workers at the same company. Nearly half worked on petrol station forecourts, so had been exposed to petrol fumes. The rest had office jobs or similar and were the control group. There was no demographic difference between the two groups. The employees had 626 injury-causing road accidents between 1991 and 2000, with the forecourt workers having 61 per cent more accidents than the office workers. Earlier studies have found that painters, exposed to solvents from paints, have a higher risk of car accidents on the journey home. It would be reasonable to suppose other groups with relatively high solvent exposures, for example nail salon workers, printers, drycleaning staff and shoe factory workers, would also be an increased risk.

- [New Scientist](#).
- **Solvents do you brains in, *Hazards* magazine [pdf]**

### **Mental illness now Scotland’s top work health problem**

Mental illness is the most common work-related health problem in Scotland, and Scottish workers are more likely to suffer from it than those in the rest of the UK. A new study shows mental health problems have overtaken musculoskeletal disorders as the most common health problem in Scotland’s workplaces. The findings show just over 40 per cent of the 4,043 cases of work-related health problems in Scotland were categorised as mental health problems. That compares to 30 per cent in the rest of Britain. The majority of these related to anxiety and

depression, followed by work-related stress, with a far smaller number suffering from post-traumatic stress disorder. Study co-author Dr Colin Ramsay, consultant epidemiologist at Health Protection Scotland, said: "The system is very much based on reporting systems for occupational physicians and specialist physicians, so it doesn't pick up data from your average GP, for example. You are just seeing the tip of the iceberg."

- [Sunday Herald](#). Y Chen, S Turner, R McNamee, CN Ramsay and RM Agius. **The reported incidence of work-related ill-health in Scotland (2002–2003), Occupational Medicine, vol.55, no.4, pages 252-261, 2005 [abstract]**.

### **Sick miners are dying before receiving payouts**

Miners are dying before receiving compensation for serious industrial health problems, an MP has said. Labour backbencher Dan Norris MP told the Commons that miners who used to work in Somerset's coalfields, many of which closed a quarter of a century ago, are not surviving long enough to receive compensation from the government's massive vibration white finger and obstructive lung diseases compensation funds. The Wansdyke Labour backbencher demanded an early statement or a debate on the miners' compensation scheme. The MP asked Geoff Hoon: "Will the Leader of the House arrange for an early statement or debate on the miners' compensation scheme?" He also called on Mr Hoon to draw the attention of the Department of Trade and Industry to the need to prioritise the claims of older miners. Mr Hoon responded: "The practical difficulty is that each case has to be assessed on its own merits. That is part of the reason why the cases have taken more time than we would have liked." He added it was "important that we get payments to them as quickly as possible." The compensation schemes, the largest in western Europe, were created after unions won major test cases in the courts.

- [Hansard report](#). [Bath Chronicle](#).

### **Hazard warning on asbestos scan vans**

The TUC is warning that the arrival in the UK of US-style "scan vans" that screen workers for occupational lung disease is not the best way to deal with Britain's asbestos disease epidemic. In the US, the mobile clinics tour shopping malls and community centres in search of workers

to screen, often using CT scans, and recruit to asbestos-related lawsuits. TUC head of safety Hugh Robertson said: "These companies play on people's fears, and are interested not with the health of the worker, but whether they can make commission on compensation claims for any illnesses they find. However, this is not just ambulance chasing. There is growing concern over unnecessary or speculative screening - in particular the use of CT scans, which may increase the chances of certain cancers developing." The Health Protection Agency says the risk of developing a fatal cancer as a result of a chest CT scan is one in 2,500, compared with a risk of one in a million from a chest x-ray. Ian McFall, head of asbestos litigation with Thompsons solicitors, commented: "If you're concerned about your health go see a doctor. You don't see a lawyer and you don't see some unregulated claims farmer running a scan van in a hotel car-park." According to TUC's Hugh Robertson: "Anyone who is concerned they may have an occupational illness should contact their GP and make sure they let their doctor know why they are concerned, their work history and symptoms." The Department of Health is investigating one claims company using scan vans, Freeclaim IDC, based in Northumberland, to check it is in compliance with the Ionising Radiation (Medical Exposure) Regulations.

- [The Guardian](#).

## INTERNATIONAL NEWS

### **China: Coal mine company hid bodies**

The managers of an illegal coal mine in China hid the bodies of 17 dead miners after a gas explosion earlier this month so they could under-report the death toll, says a report from the official Xinhua news agency. Officials at the Jiajiapu Coal Mine in central Shanxi province reported that 19 miners had died in the accident on 2 July, but a total of 36 were actually killed, Xinhua said. An investigation disclosed that mine officials had shipped the bodies to other areas to cover up the death toll. The unreported bodies were found in Ulanqab, a city in China's northern Inner Mongolia Autonomous Region. Mine operators are obliged by law to pay compensation to the families of miners killed at work. China's mines are the world's most dangerous, with fires, floods and other mishaps killing thousands of workers every year. The country produces 35 per cent of the world's coal, but accounts for 80 per cent of all coal mine fatalities. China's official safety agency has suggested workplace death rates are set to increase as rapid

industrialisation continues.

- [CNews](#). [China View](#) (Xinhua).

### **Japan: Industry lobbying blocked asbestos ban**

At least a part of Japan's unfolding asbestos disease tragedy might have been averted if the asbestos industry had not successfully blocked a ban on the deadly fibre 13 years ago. The proposed bill in 1992 would have banned the use, sale and manufacture of asbestos products. According to the daily *Mainichi Shimbun*, lobbying by the Japan Asbestos Association, a domestic asbestos industry group which said the dangers of asbestos had been exaggerated, led to enough opposition by lawmakers that the proposed bill was abandoned without being discussed even once. The association also said that alternatives to asbestos, long used as a fire retardant, would be expensive and that their safety had not been adequately verified, the paper added. Earlier this month, facing daily headlines on the emerging asbestos disease epidemic, the Japanese government said a ban will take effect by 2008 ([Risks 215](#)). The recent surge in the number of reported deaths linked to asbestos have led to accusations of government negligence ([Risks 214](#)). Official Ministry of Labour reports in the mid-1970s recognised the cancer risk to workers, their families and to residents in the vicinity of asbestos factories. Health Ministry data show that nearly 900 Japanese died from mesothelioma, a lethal cancer of the chest and abdominal cavities caused mainly by asbestos exposure, in 2003 alone. Studies worldwide suggest the number of asbestos-related lung cancers each year will match and almost certainly exceed this number.

- [PlanetArk](#). [Mainichi Daily News](#). [Japan Times](#). [Asahi Shimbun](#) articles on [the failure to act in the 1970s and the community and non-occupational cancers](#).
- [International Ban Asbestos Secretariat](#).

### **Spain: Forest fire kills 11 firefighters**

A forest fire in Spain's central province of Guadalajara has killed 11 volunteer firefighters. Officials say the dead firefighters were part of two groups that had gone out to try to bring the blaze under control. Spanish police say the forest fire was started by a barbecue and fanned by blustery winds in very dry conditions. The two trucks and three four-wheel-drive vehicles belonging to the 11 victims were found completely charred. Originally it was thought 14 firefighters had lost

their lives, but the death toll has since been revised down. Hundreds of people in the area of the fire had to be evacuated from their homes, a spokesperson for the Interior Ministry said. Several other forest fires have been burning in other parts of Spain which is suffering from one of its worst droughts in decades, leaving the countryside like a tinderbox.

- [BBC News Online](#). [The Guardian](#).

### **Switzerland: Airline suspends 52 stressed whistleblowing pilots**

Switzerland's national airline Swiss has grounded 52 pilots after they raised concerns about how cockpit safety could be jeopardised by insecurity at the firm. The company, which is in the process of being taken over by Germany's Lufthansa, has started disciplinary proceedings against the pilots, who had complained in an open letter to management. Swiss spokesperson Jean-Claude Donzel said: "The pilots said in the letter that this was a stressful situation for them, which could lead to a lack of safety in the cockpit." He said the individuals concerned would undergo an assessment of their flying abilities as soon as possible. If they pass, the pilots will be allowed to resume their duties. Donzel said that Swiss "had to react to keep our customers safe and it was better to suspend these pilots." The Swiss Pilots' Association said it was shocked that the pilots had been suspended. Spokesperson Martin Gutknecht said that the open letter was a "cry for help" and it was regrettable that Swiss had reacted by instigating disciplinary proceedings.

- [Swissinfo](#).

### **USA: Farmworker dies after collapsing in heat**

A second US farmworker in a year has died of heat exposure in triple-digit temperatures, sparking renewed calls from union leaders for worker safety regulations in extreme heat. Witnesses said Salud Zamudio Rodriguez, 42, was picking bell peppers in Arvin, south of Bakersfield, California, in 105-degree heat when he complained of feeling ill, according to Lupe Martinez, a vice president of the United Farm Workers of America (UFW). The dead man had only recently started doing contract work in the fields. On 28 July last year Asuncion Valdivia, 53, died of heat stroke after collapsing in a grape field near Bakersfield. Rodriguez died as a worker safety bill was still being considered by state legislature. The bill, which would require

regulations to prevent heat-related ill-health, has been stalled in committee. The push for new heat regulations began in 1990 after a farmworker who had crawled under a trailer to escape the sun was run over. "We're asking our politicians to pass this bill so this doesn't happen again," said Martinez. Dean Fryer, a spokesperson for the state safety enforcer Cal-OSHA said: "We know it has been hot out there. There's definitely concern for workers who are outdoors in agriculture or construction." The stalled bill would require growers to provide water, shade, extra breaks and managerial training to recognise and respond to heat stroke.

- [ABC News](#). [USA Today](#). [KGET.com](#).

## RESOURCES

### **Preventing sickness absence becoming job loss**

A new Health and Safety Executive (HSE) guide for safety and other trade union representatives "suggests ways in which you can work in partnership with employers and the workers you represent to help prevent illness, injury and disability leading to prolonged sickness absence and job loss." HSE says its 11 page leaflet describes six ways union reps can achieve this: Helping to identify measures to improve worker health and prevent it being made worse by work; suggesting the employer develops workplace plans and policies on sickness absence management; helping to keep workers who are on sick leave in touch with work; helping the employer to plan adjustments that will enable sick workers to return to work; supporting sick workers to help them to return to work; and helping to promote understanding of health conditions and disability in the workplace.

- **Working together to prevent sickness absence becoming job loss: Practical advice for safety and other trade union representatives** [[pdf](#)].
- **Hazards** [sickness](#), [rehabilitation](#) and [workers' health information](#) webpages.

## EVENTS AND COURSES

### **TUC courses for safety reps**

#### **COURSES FOR SEPTEMBER TO DECEMBER 2005**

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

[the Humber](#)

## **HSE noise and vibration roadshows**

The Health and Safety Executive (HSE) and the EEF - the manufacturers' organisation - will jointly be running a series of noise and vibration roadshows across the UK in September and October 2005. HSE says at work over 1.1 million people are at risk from high levels of noise and about 1.7 million people are at risk from hand arm vibration (HAV). New EU-based regulations for the control of risks in the workplace from vibration came into force in Great Britain in July 2005 ([Risks 213](#)), and noise regulations will be updated in early 2006. The planned roadshows are to advise employers of the changes. Steve Walter, EEF's health and safety policy adviser, said: "We welcome our member companies but also other employers, members of trade associations and safety representatives."

- [EEF news release](#). [HSE news release](#). Roadshow dates: Glasgow, 27 September; Sheffield, 28 September; Hook (near Basingstoke), 29 September; Hadleigh (near Ipswich), 4 October; Belfast, 5 October; Wales (Bridgend), 1 November; London, 3 November, Washington (near Newcastle), 7 October, Birmingham, 14 October; Warrington, 18 October; Leeds, 19 October; Barleythorpe (near Leicester), 20 October. Contact [Abigail Clow](#) at EEF for details on 0207 222 7777.
- HSE [noise](#) and [vibration](#) webpages.

## USEFUL LINKS

**Visit** the TUC [http://www.tuc.org.uk/h\\_and\\_s/](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](#).

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