

Risks

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HAZARDS
MAGAZINE

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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](#)

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UNION NEWS

Call for end of dangerous “deregulation fetish”

The government’s “deregulation fetish” will cost lives, a top workplace health and safety campaign has warned ministers. At the Hazards 2005 conference in Leeds last week, 580 safety reps, union safety officers and national union officials representing millions of workers called for strong safety regulation backed up by effective inspection and enforcement. They agreed that the UK government’s push to reduce inspections and “red tape” on business so Britain can compete in the global marketplace ([Risks 194](#)) will only succeed in making Britain a far more dangerous place to work. The call came as new Health and Safety Executive statistics show official safety action in the most dangerous construction, agriculture and manufacturing sectors are failing to have any real impact ([Risks 217](#)). The campaigners fear any reduction in inspections and enforcement could lead to an upward trend in fatalities. The Hazards 2005 delegates passed a resolution warning the government its “current focus on deregulation is likely to accelerate ‘the race to the bottom’ in terms of health and safety standards” and urged it “to abandon its deregulation fetish.” It also urged the UK government to press for improved health and safety standards in the UK, Europe and worldwide during its presidency of the European Union and at the International Labour Organisation.

- [Hazards Campaign news release.](#)
- [Hazards “Commision Impossible” webpages.](#)

STUC concern at soaring work deaths

The number of people killed at work in Scotland last year showed a massive rise, prompting Scottish union federation STUC to call for rigorous inspection and enforcement in the nation’s workplaces. The Health and Safety Executive said that there were 33 fatal injuries to employees in Scotland in 2004/05, compared with nine the previous year. STUC assistant secretary Ian Tasker said: “It is extremely disappointing to note this unacceptable rise in workplace fatalities from 9 to 33 a rise of over 350 per cent and the reduction witnessed in the previous year has not been sustained. In a year where Scotland witnessed the worst industrial incident that in itself claimed the lives of nine workers ([Risks 156](#)), a further 24 families have suffered the loss

of a loved one as a result of injuries sustained at work.” He added: “These families suffer immeasurable grief and heartache, emotions that live with them long after the announcement of HSC statistics has faded into memory. We believe that proper inspection and enforcement is the only way that workplaces can be made safer and these figures make it clear there is no room for soft touch enforcement and regulation as far as health and safety goes.”

- [STUC news release](#). [BBC News Online](#). [Daily Record](#).

Work accident hotspots revealed

Birmingham has the most work-related accidents in Britain, according to official figures. Statistics compiled by the union GMB from official sources show there were 3,325 industrial accidents in the city in 2003/4, including four fatal and 612 major incidents. Leeds ranked the second most dangerous place to work, with 2,807 accidents, followed by Glasgow, Manchester and Sheffield. GMB health and safety officer John McClean said the figures showed there is inadequate enforcement of health and safety laws. “There were 170,371 industrial accidents reported to the Health and Safety Executive in 2003/4 - 318 people were killed by these accidents and 31,485 of these accidents, or almost 1 in 5, was a major industrial accident.” He added: “Gordon Brown wants even less enforcement by inspections. If he goes down this road as he has promised, by his own logic he must support a massive increase in the penalties for cutting corners. Executive directors must be held personally liable for the failures of their companies to abide by the law and in the case of fatal industrial accidents at work if there is negligence that those responsible must face a jail sentence.”

- [GMB news release](#), including full statistical breakdown. [BBC News Online](#).

Site union calls of action on deaths

Construction union UCATT says the industry’s appalling fatality record shows the need for a safety clampdown. Latest Health and Safety Executive (HSE) figures show construction still accounts for a third of all work-related fatalities, says the union. Alan Ritchie, UCATT general secretary said: “Despite targets set by the industry to improve safety standards there are still too many building workers killed each year at work. The fact that the incidence rate is the lowest for 13 years will be

scant comfort to the families of the 72 construction workers killed over a 12 month period. And what really concerns us is that a further 22 workers have died since the start of April." He added: "This scale of fatalities reinforces our demand for firm sentencing as part of the corporate manslaughter legislation." Commenting on the latest statistics, Rosi Edwards, acting chief inspector for construction, said: "It is only by the industry showing leadership, working in partnership and taking ownership of the management of risk that improvements will be made."

- [UCATT news release](#). [HSE news release](#).

Journalists look to break workload impasse

Journalists in South Yorkshire are showing their mettle by walking off the job three times a day - every day. NUJ members at Sheffield Newspapers voted 72 per cent for strike action and 85 per cent for action short of a strike in a secret ballot over workloads and the non-replacement of staff. The stressed-out, over-stretched staff have informed management that from 9 August NUJ members will be taking a screen break between 10am and 10.10am every morning, a lunch break between 12.30pm and 1.30pm every day, and another screen break between 3pm and 3.10pm every afternoon. Members will be leaving work at their normal finishing time and not working any extra hours. The union says their employer can afford to employ the extra staff needed. Parent company Johnston Press made record profits of over £100 million last year.

- [NUJ news release](#). **Messages of support should be sent to NUJ mother of chapel [Julia Armstrong](#).**
- [Hazards guide to the perils of overwork](#).

Drivers get laptop injury payouts

Transco drivers who suffered back injuries as a result of using the laptops fitted in their vans have received compensation payouts. The GMB members took claims against the company, which had refused to admit it was responsible. The laptops were fitted to help service engineers locate gas mains and to log call outs. However, they were fixed to the bottom of the passenger seat by a short wire security leash, which meant that they could only be used if they were resting on the passenger seat. The drivers, who used the computers frequently, were forced to twist and turn to use the laptops. They

started to suffer back pain and made their employers aware of the problems but no action was taken. Michael Bray, for Thompsons Solicitors, which acted for the GMB members, said: "Such cases of injury at work are very common, but many cases never come to light because employees don't know who to turn to. Hopefully this case will encourage others to turn to their union legal services team for support."

- [Thompsons Solicitors news release](#).

Compensation for nurse after brutal attack

A nurse who was brutally attacked three years before her colleague was killed in a similar assault on the same ward, has been awarded compensation from her bosses. Corinne Clarke was working alone in 2000 on Springfield Hospital's John Meyer ward - notorious as the scene of fellow nurse Eshan Chattun's violent death in 2003 ([Risks 111](#)) - when she was attacked from behind. She had been attempting to raise the alarm after a female patient began beating another, but was herself then subjected to a sustained assault. Ms Clarke, then 50, pressed her personal alarm but could not escape before the patient began kicking and punching her, leaving her convinced she was about to die. The UNISON member's ordeal did not end with her rescue from her attacker, as the South West London and St George's Mental Health NHS Trust refused to accept liability and admit negligence. The five-year battle between the mental health nurse and her employer ended in July when she was awarded £17,013 at Croydon County Court, exactly five years after the attack. Ms Clarke is still an employee of the Trust, but suffers from post-traumatic stress disorder requiring counselling, as well as suffering spinal problems. The Trust was fined £28,000 in May for failing to protect Eshan Chattun, who was bludgeoned to death by a paranoid schizophrenic ([Risks 206](#)).

- [Surrey Comet. Local London](#).

MPs fail Usdaw's spot the underage drinker test

MPs from across the UK failed to spot a potential underage drinker in a unique test to show how difficult it is for retail staff to identify teenage lawbreakers without proper ID. Six teenagers mingled with MPs who were asked to guess their age and only 5 per cent of the MPs' guesses were correct with nearly half failing to spot that 17-year-old Sachin was actually too young to buy alcohol. The test was mounted by retail

union Usdaw in support of its campaign for the government to enforce a 'No ID, No Sale' system in stores across the UK in an effort to reduce the 20,000 physical assaults on shop staff every year. An Usdaw survey of over 600 shopworkers found that asking for ID or refusing an illegal sale was the major trigger for verbal abuse, intimidation and vicious assaults in stores. "This test was intended to make MPs see how difficult it is for our members to spot an underage drinker when they try to buy alcohol," said John Hannett, Usdaw general secretary. "The reality is that our members can be fined £80 if they sell alcohol to underage customers but I'd challenge anyone to honestly say they could accurately tell if the average teenager is 15, 16, 17 or 18." The union leader added: "We're grateful to the MPs who took part in this test which was a real eye opener for them and hopefully they will support our campaign for one ID scheme for teenagers that is universally recognised by retailers."

- [Urdaw news release](#).

Another security guard shot in Birmingham

A second security guard in a month has been shot in Birmingham. In the latest attack the GMB member, who works for Securicor, was wounded during an armed bank raid. Martin Hird, GMB senior organiser in the West Midlands, commented: "Yet again a member of GMB has been exposed to an unacceptable level of violence at work that has led to his hospitalisation. Only a month ago I was reporting the same thing. Our security members in the security industry are being terrorised every day." The union is calling on the government and the police to provide more resources to protect security workers. "We want our GMB security charter put into practice, which calls on the government, the police, the employers and the banking and retailing organisations to take seriously the need for action to make as safe as possible the work environment of their employees and our members," said Martin Hird. "GMB will be supporting our member's family and his shocked colleagues who fear that they could be next. And that they might not be as lucky and end up dead."

- [GMB news release](#) and [health and safety guide for security workers](#).

Progress made in Tube safety talks

Leaders of London Underground union RMT have agreed not to

proceed with a ballot of its 11,000 members on the network after progress was made in talks last week with London mayor Ken Livingstone. RMT general secretary Bob Crow said: "I reported to the union's executive that the mayor had made a commitment that overall staffing levels on London Underground (LUL) would not be reduced, one of the most serious disagreements that had existed with LUL management in recent months. Following a discussion on the government's intention to weaken the sub-surface station fire regulations brought in after the 1987 Kings Cross fire, the mayor also pledged that LUL management would not as a result reduce staffing levels or otherwise reduce fire safety provisions in any way." He added: "The mayor has further agreed that any train without a radio in working order will not be taken out and that there will be a review of procedures to identify suspect packages. There will also be further detailed discussions on other matters, including the introduction of breathing apparatus for key frontline staff, as well as the possibility of strengthening drivers' cabs, if that can be done in a way that would not be to the detriment of passengers' safety." The union leader added that RMT would continue to campaign for a guard on every train as well as a conductor on every bus.

- [RMT news release.](#)

OTHER NEWS

Workers victimised for safety every week

Workers are winning tribunals for safety victimisation at a rate of one a week. Government figures obtained by *Hazards* magazine show 49 workers won employment tribunals in 2004/5 in a category covering those who "suffer a detriment, dismissal or redundancy for health and safety reasons." A total of 896 claims were made under this heading in 2004/5, with 381 settled at ACAS, 314 either withdrawn or settled privately and 160 either unsuccessful or dismissed at hearing.

Tribunals are the major route of redress for a number of workplace safety issues, including where union reps are victimised for their safety activities or barred from performing their inspection, investigation and other functions, or where workers raise safety concerns. A tribunal is also where employers are held accountable if they deny workers time off for union safety training ([Risks 156](#)). The TUC last month called for an investigation into a dramatic drop off in the number of employment tribunal cases after the introduction of new rules ([Risks 215](#)). Latest Employment Tribunals Service figures show there was a 25 per cent drop in the number of tribunals in 2004/5 compared to the previous

year.

- [Hazards magazine news release](#) and [victimisation webpages](#).

Injured worker is awarded £250,000

A factory worker whose arm was mangled in an accident plans to use his damages of £250,000 to escape his boring job. A court heard injuries to plastic injection moulding engineer Adrian Stewart's hand and wrist left him unable to do manual work. Instead, employers Daniel Montgomery and Son Ltd, of Kirkintilloch, East Dunbartonshire, made him a quality control technician at their factory. The Court of Session in Edinburgh was told that Mr Stewart, 32, arranged bottle tops on a machine. Lord Macphail noted: "He does it all day, every day, and finds it boring and unsatisfying." The court was told Mr Stewart hoped to leave and was interested in learning more about computers. Mr Stewart said he intended to use any damages to support himself while he re-trained.

- [Glasgow Evening Times](#).

Job peril of air traffic lack-of-desk-control

Air traffic control chiefs withdrew a job offer from a talented graduate because he was too tall to fit his legs under the control room desks. He is now doing the same job for a European employer who provides adjustable desks. An employment tribunal last week heard that 6ft 10in (2.1 metre) physics graduate Ben Sargeaunt-Thomson beat 5,000 applicants for the trainee position with National Air Traffic Services (Nats). But bosses at Nats had second thoughts after Mr Sargeaunt-Thomson took a medical and towered above the doctor's height chart. The tribunal heard that Mr Sargeaunt-Thomson, who is claiming sexual discrimination arguing that only a man could be 6ft 10in, too tall to sit comfortably at the centre's workstations. The company told him that cramming his legs under the desks would be "dangerous" for his health. The 23-year-old was so determined to continue in his dream job that he suggested ways he could fit in, including using a "kneeling seat" or getting the desks adjusted so he would not be cramped at the workstation. Mr Sargeaunt-Thomson has since landed a trainee position with Eurocontrol in Luxembourg - an air traffic control operator which provides desks that are adjustable.

- [The Guardian](#). [Telegraph](#). [The Mirror](#).

Official safety watchdog backs all out smoking ban

The Health and Safety Commission (HSC) has told the government its planned smoking ban should cover all workplaces, including bars. The call comes in HSC's submission to a government consultation. Bill Callaghan, HSC chair, has now written to health secretary Patricia Hewitt calling for exemptions on bars not serving food to be dropped from the final Health Improvement and Protection Bill, due to come before Parliament in November. The letter to the health secretary adds: "We are concerned that the proposals run the risk of creating health inequality and this we consider would be undesirable." Deborah Arnott, director of the ASH, said the health charity was "delighted" at the HSC move and added: "It would be absurd and wrong for the government to recognise the health damage caused by secondhand smoke and then produce a law which fails to protect bar staff - the group of workers at most risk." Ian Foulkes, director of policy at the Chartered Institute of Environmental Health (CIEH), said: "I congratulate the Health and Safety Commission for backing the case for an end to smoking in all workplaces, based on their robust review of the available evidence. It would make a mockery of our arrangements for regulating occupational health and safety if, in spite of all of the evidence of the serious damage to health caused by secondhand smoke, the government were to pass legislation which fails to protect the workers at most risk - our bar staff and hospitality workers."

- [ASH news release](#). [CIEH news release](#).
- **Bar staff, have your say! It's quick and easy to [send a letter to the minister](#).**
- **[Tell your MP the smoking ban should apply to all workplaces](#).**

Safety criminals face little penalties

The penalty for criminal neglect in Britain's workplace remains worryingly low, recent cases suggest. Gillingham timber company Borough Green Sawmills was fined a total of £5,000 at Medway Magistrates Court for safety breaches and was ordered to pay £1,621 in costs after teenage worker Thomas Simmonds cut his thumb on a circular rip saw. Neither Mr Simmonds nor his supervisor received suitable training on how to use the equipment safely, the supervision

was poor and there had been no risk assessment. Railway contractor Costain Ltd was fined £8,000 with £8,227 in costs after an accident in a Kent tunnel left a worker with serious back injuries. Leslie Thomson, 52, was working on the Strood-Higham railway tunnel, when a chalk block fell from the roof fracturing his back six times. Mondi Packaging (GB) was fined £16,000 and £6029.60 costs following an accident in which employee Trevor Smith suffered serious burns requiring skin grafts after trapping his hand against a hot plate in a corrugating machine. The company had failed to complete a risk assessment or provide adequate training and supervision. Fine Lady Bakeries Ltd was fined £150,000 and £26,054 in costs at Oxford Crown Court for breaches of health and safety legislation after the death of 33-year-old Barry Savage in a fall from a bread-cooling machine. Health and Safety Executive inspector Matthew Lee said: "Maintenance activities cause a considerable number of serious and fatal incidents each year and companies should ensure that such activities are adequately planned and safe work practices are established."

- [HSE news release \(Simmonds case\)](#). [HSE news release \(Thomson case\)](#). [HSE news release \(Savage case\)](#). [BBC News Online](#). [Eastern Daily Post](#).

Top regulator wants more ASBOs for bosses

More use should be made of Anti Social Behaviour Orders (ASBOs) to prevent unhealthy workplace practices, the country's largest enforcement agency has said. The Environment Agency, the only national regulator larger than the Health and Safety Executive, said that criminals are exploiting the public and profiting illegally from dumping and other damaging activities. Preventing polluting companies from operating by the use of ASBOs and other measures that curtail and disrupt their activities such as vehicle and equipment seizure are useful new tools which could be highly effective, the Agency said. An ASBO was awarded for environmental crime for the first time in 2004, the Environment Agency's report revealed. Chief executive Barbara Young said: "The public damage to reputation of a jail sentence, a community service order or an ASBO may also act as a more effective deterrent than a fine that represents little more than back pocket cash to many of these environmental profiteers." ASBOs have never been used for workplace health and safety crimes, however. TUC and other campaigners have been pressing for more creative sentencing for workplace health and safety criminals. Both workplace and environmental campaigners have expressed concern

about what they see as the government's deregulation agenda. The government last week said it was considering removing pollution controls from thousands of small businesses as part of this strategy.

- [Environment Agency news release](#). [BBC News Online](#). [The Guardian](#).

INTERNATIONAL NEWS

Bangladesh: Union leaders demand safety improvements

Trade union leaders in Bangladesh have demanded improved safety at the nation's garment factories in an effort to clean up an industry where dangerous working conditions cause dozens of deaths and injuries every year. In April, the nine-storey Spectrum Garments Factory Ltd collapsed near the Bangladesh capital, Dhaka, killing 73 workers and injuring dozens of others ([Risks 210](#)). Another garment plant fire in January killed 22 workers who were trapped inside ([Risks 190](#)). "We demand better safety at factories to ensure labour rights," said Roy Romesh Chandra, general secretary of the Bangladesh National Council of Textile Garments and Leather Workers. Silvana Cappuccio of the Brussels-based International Textile, Garment and Leather Workers' Federation (ITGLWF) said: "The Spectrum case is an issue now. In fact, nobody is satisfied with the current standard of safety and working conditions in Bangladesh's factories." ITGLWF has given Bangladesh six months to show satisfactory improvement in safety standards at garment factories or face an international boycott campaign.

- [Forbes.com](#).

China: Gas leak at coalmine kills 24

A gas build-up in a coal mine in central China has killed 24 miners and left two missing, state media reported this week, in the latest accident to strike the world's deadliest mining industry. More than 40 workers were underground in the Xinfa coal mine in Yuzhou, Henan province, when gas began filling the shafts on Tuesday night, Xinhua news agency said. Seventeen miners managed to escape, but 24 suffocated to death, it said. More than 6,000 miners were killed in explosions, gas leaks, floods and other accidents in the country's mines in 2004. The government has launched a campaign to clean up the industry and pledged to spend more than 50 billion yuan (£3.5 billion) to improve

safety, but it has had little effect so far in halting a rising number of deaths. Safety issues are often overlooked in Chinese mines, which are under pressure to produce enough coal to help drive the country's rapid industrialisation and economic growth. Chinese authorities on 2 August announced 5,000 mines were to be closed until they obtained safety licences.

- [China Daily](#). [People's Daily](#). [Reuters](#). [Xinhua](#).

Ireland: Union says figures miss most work deaths

The true level of occupational fatalities in Ireland could be up to 10 times higher than reported, according to a union. Sylvester Cronin, health and safety officer with SIPTU, has called for the creation of a scientific review body to establish the extent of work-related injuries and ill-health. The Health and Safety Authority's annual report for 2004 shows that 50 people died as a result of workplace accidents in 2004. "Because the Health and Safety Authority only collects data on the number of illnesses or injuries occurring in the workplace, their figures do not reflect the true level of occupational fatalities," Cronin said. "For example those killed in road traffic accidents - who are driving as part of their normal work - are not included in occupational fatality statistics and there is evidence that up to one-third of all road accidents are work-related." He added that cancers, heart problems and respiratory disease were frequently caused by work. "A study produced by the National Occupational Health and Safety Advisory Committee in New Zealand estimates that more than 80 per cent of work related deaths are not documented or reported and are not investigated. New Zealand has a working population very similar to Ireland's. So we can assume a similar outcome to an examination of the situation here."

- [SIPTU news release](#).

USA: BP plant blows up again

Federal investigators have launched a probe into an explosion at BP's Texas City plant, the second such incident this year. No injuries were reported in last Thursday's blast. BP reported that all of the plant's estimated 1,800 workers had been accounted for. The latest incident comes as BP faces scrutiny for its environmental and safety record. The earlier March 2005 blast killed 15 and injured 170. Company claims that worker error caused the blast ([Risks 208](#)) have been

undermined by subsequent official investigations, which found management errors, staffing cuts and equipment failure were to blame ([Risks 217](#)). Commenting after the latest blast, Gary Beevers, regional director of the union USW, said: "If BP spent as much time working on safety as it does on blaming workers and stonewalling our union on information we need to address the scope of the problem, we'd be seeing real progress instead of more explosions." Carolyn Merritt, chair of the federal Chemical Safety Investigation Board, said: "We are very concerned that there has been another explosion." She added: "The first thing that goes through your mind is that these may be indicators that there are some systemic problems at this facility." BP leads the US in refinery deaths during the last 10 years, with 22 fatalities since 1995.

- [USW news release. Houston Chronicle. Confined Space.](#)
- [BP Texas City explosion\(s\) website. Hazards BP webpages.](#)

RESOURCES

Regulating health and safety

The Institute of Employment Rights (IER) is offering a special two-for-one publication deal for *Risks* readers. Anyone pre-ordering its forthcoming publication, 'Regulating health and safety: The way forward' (2nd edition) will receive 'Health and safety: Revitalised or reversed?' absolutely free. You must pre-pay to qualify for this offer. The new publication is due out in November.

- **Send a cheque for £12, payable to IER, or contact the office for payment by credit or debit card. Large discounts for bulk orders will also be available – contact IER for details. [Institute of Employment Rights](#), 177 Abbeville Road, London SW4 9RL. Telephone: 020 7498 6919.**

EVENTS AND COURSES

TUC courses for safety reps

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[the Humber](#)

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