

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](#)

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UNION NEWS

Six figure payout for wood dust disease

An arts and crafts teacher has been awarded nearly £150,000 compensation after being forced into early retirement by a chronic wood dust related occupational disease. The 52-year-old teacher had spent 21 years at his Nottinghamshire school. During the course of his employment, the NASUWT member was exposed to wood dust, including medium density fibreboard (MDF), a composite of wood dust and formaldehyde-based resins. Exposure to these substances caused nasal obstruction, headaches, nasal discharge and the eventual diagnosis of rhinosinusitis. At a two-day trial in Nottingham, the judge criticised Nottinghamshire County Council for its lack of care and awarded the teacher £145,564 in compensation. NASUWT general secretary Chris Keates said: "How many more teachers will have to become too ill to work and their expertise be lost to the profession before all employers take responsibility for the care and welfare of their employees more seriously? Compensation is cold comfort when you can no longer do the job you loved and your health is damaged." She added: "It is not only in the interests of employees for employers to take health and safety 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."

- [NASUWT news release.](#)

Dismay at steel blast "accident" verdict

The union representing workers at the Port Talbot steel plant where three workers were killed in a blast nearly four years ago ([Risks 28](#)) have reacted with dismay after a coroner instructed jurors to return an "accidental death" verdict. After the inquest verdict into the deaths of Stephen Galsworthy, Andrew Hutin and Len Radford, killed by the blast that destroyed a blast furnace at the Corus Port Talbot steelworks on 8 November 2001, Roy Rickhuss, assistant general secretary of Community, said he was "disappointed," adding: "The coroner directed that the jury could not consider a verdict of unlawful killing. In addition to their deaths, the explosion severely injured several of our members, some of whom will never work again. Now the union waits to see what charges the Health and Safety Executive (HSE) may bring." HSE has

indicated its inquiry may still take several months. According to Rickhuss, the company has a case to answer, saying "whilst Corus claimed before November 2001 that the health and safety of its employees was of paramount importance, in reality Corus managers allowed the needs of production to override the health and safety of their employees." He said there was evidence of a "dereliction of management duty", adding that the introduction of "team-working" in 1999 and a lack of management accountability were contributory factors. "The remarkable degree to which several Corus managers could not remember who made what decisions in a crucial meeting an hour before the explosion - with several of them unable to even recall what was discussed and by whom - smacks of a management culture whose first instinct is not a desire to establish the truth, but to protect their own reputations and positions," Rickhuss said. Corus has been guilty of a series of sometimes deadly safety lapses ([Risks 135](#)). Two people were injured on Monday in an explosion at the Corus steelworks Basic Oxygen Steelmaking plant on Teesside.

- [Community news release](#). [HSE news release](#). [South Wales Echo](#). [icWales](#). [BBC News Online](#) and [coverage of the latest Corus blast](#).
- **Hazards** [deadly business](#) and [Corus](#) webpages.

CWU calls for action on work accident reports

Communication union CWU says there must be major changes in the regulations on the reporting of workplace accidents and diseases and wants a clampdown on employers and managers who fail to comply with the law. The CWU call comes in its response to the Health and Safety Commission's review of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). The union's national health and safety officer Dave Joyce said the current regulations "are both confusing and have some glaring omissions," notably the absence of any requirement to inform union safety reps of accidents. "RIDDOR is widely ignored and misunderstood by many employers and managers and as such there is much under-reporting and the law is not enforced by the HSE," he said. "We are therefore recommending, amongst other things that there should be specific duties on employers to investigate accidents and to promptly notify, consult and involve safety representatives included in the amended regulations. We have also called for effective enforcement of the regulations with offences being prosecuted by HSE and EHO inspectors."

- [CWU news release](#). [RIDDER webpage](#).

Safety concern over growing self-employment

More than 1 in every 10 workers in Great Britain is now self-employed, according to the GMB. The union says the blurring of the distinction between self-employed and directly employed labour is causing problems, particularly in issues like health and safety. The union's analysis of official figures shows 3,463,000 workers - 12.6 per cent of the GB workforce - are self-employed. Rates vary from 26.8 per cent in Powys, Wales, to 5.1 per cent of the workforce in North Lanarkshire, Scotland. Paul Kenny, GMB acting general secretary, commented: "Self-employed workers make up 12.6 per cent of the nation's workforce. Self-employed construction trades, drivers, lap dancers, tattooists, music road crew and many others are already organised in GMB." Kenny added: "Increasingly, the distinction between directly employed and self-employed is becoming blurred especially in issues like health and safety where both are equally at risk." He added that unions can provide protection for self-employed as well as directly employed workers.

- [GMB news release](#).

Bullied NHS worker wins sacking tribunal

An NHS worker who won a bullying claim against his employer was later unfairly dismissed from his post, an employment tribunal has found. GMB member Jeff Williams was fired from his job as deputy transport manager by Leeds Teaching Hospitals NHS Trust. Mr Williams, who had worked for the Trust for 22 years and had an unblemished work record, took the civil case against the Trust in 2002 following persistent bullying and harassment by colleagues. He was dismissed from his job in April 2004 for alleged gross misconduct, an action the tribunal ruled was unfair. GMB says Mr Williams' health has suffered as a result of his dismissal. Joan Keane, GMB regional organiser, said: "Whilst Mr Williams is relieved that the matter is now concluded, he has endured years of bullying and harassment by his colleagues and paid the ultimate price for expecting his employers to ensure that this unacceptable treatment should not be tolerated. It is hoped that GMB members employed in the NHS will in future be treated with the respect and dignity that they deserve."

- [GMB news release](#).

Staff “not covered for terrorism”

Emergency service workers killed or injured during a terrorist incident may not be covered by personal insurance policies, a union has warned. UNISON, which represents emergency service workers, has said insurance companies should drop exclusion clauses. The union added that it was “shocking” that some personal insurance policies, for example personal accident or mortgage indemnity policies, would not pay out to families of emergency workers killed or injured dealing with a terrorist incident. Policies covering accidents and offering mortgage protection should be checked by policyholders carefully, it said. Fire crews in Somerset have already threatened to go on strike after claiming they may not be insured for dealing with a terrorist attack. The FBU action has since been called off to allow further talks. UNISON points out an own insurance policy it offers to its members does provide full cover and called for other insurers to do the same. “We are asking all insurance companies to look at their policies and if they have such exclusion clauses to drop them,” said UNISON national officer Sam Oestreicher. He added that exclusion clauses “would leave emergency workers and their families high and dry, if they were injured or killed dealing with this type of emergency.”

- [UNISON news release](#). [FBU news release](#). [ABI news release](#). [BBC News Online](#).

Tube union demands better security measures

Train drivers’ union ASLEF is demanding “the maximum protection” for its members following the attacks on London’s transport system last month. It says communication at the time of the incidents on London Underground was a major concern and it now “demanded that any train with a defective radio must be withdrawn from service, and said that partial or total failure of the radio system on the line must result in the service being withdrawn until the defect is rectified.” ASLEF says discussions have been held at the TUC about establishing improved communications between emergency, transport and security staff. The union says its first priorities are the introduction of clear procedures that are understood by everyone involved and a common understandings about the meaning of terms like ‘Code Amber’ or ‘Orange Alert’. ASLEF national organiser Andy Reed blamed the lack of established procedures for the incident at Stockwell when the driver of the train on which an innocent Brazilian was shot was himself held with

a gun at his head. "Naturally, he got out of the way – but running made him suspicious. Because of a lack of clear codes of practice, this driver could have been murdered."

- [ASLEF news release.](#)

Train drivers may boycott tunnel

Train drivers have warned they will not travel through a London tunnel until they are satisfied it will not collapse again. Train drivers' union ASLEF said it would not send drivers through the tunnel at Gerrards Cross, which caved in a month ago, until it was sure it was safe. Stan Moran, Buckinghamshire representative of ASLEF, said the union would have to be satisfied about safety. He told journalists: "We have been kept well informed of the situation by Chiltern Railways... We will be involved in full briefings. The union certainly wouldn't send a train through the tunnel if we thought it was unsafe." Mr Moran said Chiltern Railways has employed additional independent engineers to provide advice on the situation. Extensive site testing and analysis has taken place to identify why the collapse happened, and the extent of the damage to the tunnel, which collapsed during building work on a Tesco's development. Tesco director Tim Mason said: "We will be guided by the safety authorities on all decisions about future work." Tesco said the future of the scheme at Gerrards Cross is dependent upon the assessment of the report.

- [Local London.](#)

RMT calls for action on chemicals

Rail union RMT is calling for action on hazardous substances after concerns were raised at its conference about employers failing to provide the legally-required information and consultation. In a circular to RMT branches, general secretary Bob Crow said union reps "should also be reminded to be vigilant and ensure that any problems that arise are raised promptly with management." He added: "Health and safety representatives have the right to be consulted and provided with information as to the significant findings of the risk assessment, including the preventive or protective measures required." The circular reminds safety reps that employers "must review the risk assessment whenever there is reason to believe it is no longer valid eg. alteration in the method of work etc. However, even where no changes take place, the assessment should still be reviewed at least every five

years.”

- [RMT circular on the RMT Bristol website.](#)

Union action call on Scottish fatality figures

TGWU Scotland has condemned the country’s appalling record on health and safety at work and vowed to step up its campaign for urgent action by the Scottish Parliament. The move follows the publication of new Health and Safety Commission (HSC) figures showing Scotland tops the league for fatalities at work ([Risks 218](#)). TGWU Scotland regional secretary, Mike Brider, said the new report “comes on the back of previous reports showing that serious workplace injury rates are also highest in Scotland, particularly where trade unions are not recognised, and we have fewer employer prosecutions and lower compensation awards than other areas of the UK.” He added: “There is clearly a specific Scottish dimension to health and safety and the Scottish Parliament needs to take some urgent action to address this. In particular, the shocking statistics make it crucial that they bring forward, without further delay, the introduction of corporate manslaughter legislation to ensure that negligent employers face tough sanctions, including custodial sentences, in the Scottish courts.” He said the parliament should also create a standing committee on health and safety to ensure safety decisions reached in London – health and safety is a “reserved” subject not devolved to the Scottish Parliament - are “health and safety proofed” from a Scottish perspective. “We will be stepping up our campaign on these issues and arguing for funding of trade union safety rep training and organisation in Scotland on the basis that union workplaces are safer workplaces.”

- [TGWU news release.](#)

OTHER NEWS

Small fine for dangerous contempt for the law

A construction firm that ignored an official order stopping work on a dangerously sub-standard scaffold has received a small fine. Bosses at North Homes in Buchan, Scotland, said they were too busy to check safety standards. Health and Safety Executive (HSE) inspectors had found four workers working on roofs and scaffolds, without the protection of the legally-required guard rails, barriers and toe-boards. The company was served with a prohibition notice suspending work

until it had introduced the necessary safety improvements. But, when health and safety officials made a return visit six days later, they found the incomplete scaffold was still being used. The family firm admitted failing to comply with the prohibition notice. And it pleaded guilty to breaking health and safety rules by exposing workers to risks to their safety when they were undertaking work at height. Sheriff Malcolm Garden fined the company £1,750 and said: "This is a serious matter. It is a case where safety is being put secondly to profit and the amount of work which is being taken on." Failure to abide by an HSE prohibition notice can result in a jail sentence, one of the few offences under the Health and Safety at Work Act where this is possible. Scotland has the UK's worst prosecution, fatality and injury levels. It also has the lowest penalties for safety offences.

- [Press and Journal](#).

Death platform evacuated in new leak alert

More than 80 North Sea workers were evacuated on Sunday from a production platform after a leak was discovered in a leg of the installation. Sixty staff remained on Shell's Brent Bravo platform and work was under way to repair the leak. Shell said 85 non-essential workers were flown to neighbouring installations. Offshore union leaders have expressed concern as Shell was recently fined £900,000 for health and safety breaches on Brent Bravo, following the death of two offshore workers, and faces an official fatal accident inquiry into the deaths ([Risks 216](#)). The men were overcome by gas in the same utility leg, which is used to store equipment and gain access to operations below sea level. Offshore union Amicus has been critical of Shell's safety record, particularly as the company has just announced massive increases in profits. Graham Tran, Amicus' officer for offshore workers, said: "Given that Shell recently pleaded guilty to breaches of health and safety which resulted in the deaths of two offshore workers, Shell must as a matter of urgency use these inflated profits to invest in improving maintenance standards on their offshore facilities."

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

Council fined for school asbestos dangers

Blackpool Council has been fined £15,000 for exposing builders to asbestos during a school refurbishment. The town's magistrates were told the council had learned there was brown asbestos in the ceiling at

St Cuthbert's RC Primary School in 2002. But it failed to pass this information on to sub-contractors refurbishing the school kitchen in April 2004. The council admitted breaching the Health and Safety at Work Act and was ordered to pay costs. A spokesperson for the council said: "Existing and new employees are continually made aware of the asbestos register and the importance of referring to this before any building work is carried out. Nationally, asbestos has become a higher priority in recent years and the council has responded to this accordingly by tightening procedures and ensuring the necessary management is in place to carry out the changes." Asbestos cancers continue to claim about 100 lives a week in the UK, with many of the victims of working age. An inquest last week heard that Ascot plumber Peter Hathaway died of the asbestos cancer mesothelioma, aged 59. And solicitors representing the family of Linda Pyke, who died aged 56 from mesothelioma, reported this week she had probably been exposed to asbestos used in the lining of jackets made for firefighters at Harmer's clothing factory in Norwich. Skanska Construction UK Limited agreed last week to pay £82,000 damages to the sister of Kenneth Simpson, who died in 2002 from mesothelioma. Isolene Clarke nursed her brother through his illness.

- [BBC News Online](#). [icBerkshire](#). [Norwich Evening News](#). [Leigh Day and Co news release](#).

Growing asthma risk confirmed

Occupational asthma has become one of the most common forms of occupational lung disease in industrialised countries and accounts for up to 15 per cent of all adult asthma cases, according to a report in the *American Journal of Respiratory and Critical Care Medicine*. The findings confirm those of a US study published in June ([Risks 212](#)). The Italian authors of the latest report conclude the most cost-effective method of lowering the rate of occupational asthma is to reduce workers' exposure to offending agents as soon as possible to prevent sensitisation. Workers in the construction, metal, rubber, plastic, printing and industrial cleaning fields have the greatest risk of occupational asthma, the article said. It said the most common cause of this allergic occupational asthma include: wood dust; epoxy compounds in spray paint; animal, plant, insect and fungal allergens; cleaning agents; flour dust; and food and animal protein. Irritant-induced asthma accounts for about 7 per cent of occupational asthma cases. Metal refining, fertilizer manufacturing and mining are among the industries where workers can develop irritant-based asthma. The

UK Health and Safety Executive reported this week that paint sprayers in vehicle body shops run 80 times the risk of developing occupational asthma as the workforce as a whole.

- [Atlanta Journal-Constitution. HSE news release.](#)
- **Cristina E Mapp and others. Occupational Asthma, American Journal of Respiratory and Critical Care Medicine, volume 172, pages 280-305, August 2005** [[abstract](#)].

Cosmic rays "harm pilots' sight"

Airline pilots may be at increased risk of eye damage because of their exposure to cosmic radiation, warn experts. The Icelandic researchers found commercial pilots were far likely to develop cataracts - clouding of the lens of the eye. When the researchers compared the rates of cataracts with occupation, they found pilots were three times more likely than the other adults to have this eyesight problem.

Furthermore, the longer they had worked as pilots and the more cosmic radiation they had been exposed to, the more likely they were to have developed nuclear cataracts. "The association between the cosmic radiation exposure of pilots and the risk of nuclear cataracts, adjusted for age, smoking status, and sunbathing habits, indicates that cosmic radiation may be a causative factor in nuclear cataracts among commercial airline pilots," the authors conclude. Earth-bound workers exposed to excessive sunlight also have their own eyesight risks - over-exposure to sunlight in outdoor workers causes macular degeneration, gradual damage to the eye. And workers in foundries, exposed to infra-red light from molten metal, are known to be at risk of cataracts as a result.

- [Archives of Ophthalmology news release. BBC News Online.](#)
- **Vilhjalmur Rafnsson and others. Cosmic radiation increases the risk of nuclear cataract in airline pilots: A population-based case-control study, Archives of Ophthalmology, volume 123, no.8, pages 1,102-1,105, August 2005** [[abstract](#)].

INTERNATIONAL NEWS

France: More than 1 in 8 faces work cancer risks

More than 1 in 8 workers in France was exposed to workplace substances that can cause cancer, according to latest figures. An analysis of data from the SUMER survey 2003 indicates 2,370,000 workers, 13.5 per cent of the total French workforce, were exposed to one or more of a list of 28 workplace carcinogens in 2003. The figure was higher than estimates a decade earlier. Blue collar workers were more than eight times as likely to be exposed to a carcinogen at work, with 25 per cent exposed, compared to managers, with just 3 per cent exposed. Young and temporary workers were also at greater risk. Of the 28 substances on the SUMER list, eight products contributed more than two-thirds of all the exposures - mineral oils, three organic solvents, asbestos, wood dust, diesel exhaust fumes and crystalline silica. Only 39 per cent of workers exposed to crystalline silica had respiratory protection, the study found. The total occupational cancer risk to French workers is likely to be much higher than the SUMER list suggests. The list of substances is not comprehensive and does not include workplace cancer risks from other than hazardous substances, for example ionising and non-ionising radiation and biohazards such as aflatoxins.

- [REHS news release.](#)

Global: Union kicks out at shoe firm abuse cover up

Footwear retailers Clarks and Skechers have been asked to address labour rights violations at a Taiwanese-owned footwear supplier in Guangdong in China which systematically hides safety and other violations from independent monitors. The Brussels-based International Textile, Garment and Leather Workers' Federation (ITGLWF) says there are reports the company, which employs about 7,000, coaches workers on how to speak to compliance teams or monitoring staff who visit the facility, and threatens to fire workers who speak out. ITGLWF says this makes corporate codes of conduct "useless." ITGLWF general secretary Neil Kearney said some of the workers "are treated little better than slaves." He added: "Violations at the plant include excessive hours of work, abuses of laws on overtime pay, harassment and intimidation, intrusive body searches, lack of maternity protection, the failure to grant leave and holidays, and appalling health and safety conditions." He said workers sleep 10 to a room in dormitories, with just 1 toilet for every 100 workers. "Work-related injuries are not uncommon in the factory," he said. "Fumes present a major problem, sometimes causing workers to faint. Management provides no compensation to workers who are injured or

become ill." He called on the Chinese government and the multinational footwear retailers to take "urgent action".

- [ITGLWF news release.](#)

UAE: More than two a day die on site

Construction workers are dying at a rate of more than two a day on construction sites in the United Arab Emirates (UAE). A report in regional trade magazine *Construction Week* says around 880 workers died on building sites in the UAE in 2004. According to the magazine, which surveyed a number of organisations and embassies to obtain the estimate, only a minority of the deaths were the direct result of accidents. Many workers died as a result of diseases such as tuberculosis, a common condition among migrant building workers who often live in poor conditions. Dozens of others died from other "natural" causes. "It is difficult to compare like-for-like figures from the UAE and other countries, because there are no accurate figures for the number of labourers working in this country," said Sean Cronin, editor of *Construction Week*. A senior official at the UAE Ministry of Labour said no central record of deaths was kept. "I have not heard these figures," he said. Alan Ritchie, general secretary of UK construction union UCATT, recently visited Dubai building sites and called for a central register of casualties to be established.

- [7 Days.](#)

USA: \$1.5 million payout for safety whistleblower

A US federal court has awarded \$1.5 million (£830,000) in damages to a painter who said he was the target of retaliation after he complained about workplace hazards. Howard Tom Sun, 51, made the claim against Honolulu's Department of Enterprise Services, where he has been a painter for 18 years. In 1997, Tom Sun warned that employees and the public were exposed to dust from lead-based paint and asbestos. He also said hazardous materials were stored and disposed of improperly, and employees were working without the legally required training and safety equipment. After going public with his concerns, Tom Sun said he was the target of retaliation by his bosses and was disciplined, isolated and not given job duties. Tom Sun also was denied leave and his co-workers were warned that if they helped him they "would be held accountable," said his attorney, Venetia Carpenter-Asui. In June 2000, Tom Sun filed the federal lawsuit and

charged that the city violated his First Amendment rights and the state's Whistleblowers Protection Act. He said he was never fired or suspended from his job but said he continues to work alone. A report from *Hazards* magazine last week revealed widespread victimisation of safety whistleblowers in the UK ([Risks 218](#)).

- [Honolulu Advertiser. Confined Space.](#)
- [Hazards whistleblowers 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](#)

Restoring the balance, 1 October 2005, Plymouth

"Restoring the balance," a South West TUC workshop for trade union women on health in the workplace, will include sessions on women in non-traditional jobs, body mapping and hidden health hazards.

- [Restoring the Balance](#), Saturday 1 October, 10.30 to 3pm, Jan Cutting Healthy Living Centre, Scott Business Park, Beacon Park Road, Plymouth. For more information or to register contact [South West TUC](#) on 0117 947 0521.

Partnerships for health and safety, 10 October 2005, London

"Partnerships for health and safety," a conference for safety reps in London and the south-east, aims "to bring together Health and Safety Executive staff with safety reps to advise, update and inform of new developments from HSE and the world of workplace health and safety."

- [Partnerships for health and safety](#), Monday 10 October, 10.00am to 4.30pm, Congress House, Great Russell Street, London WC1B 3LS. Free. For more information or to register contact [Darren Lewis](#) at SERTUC, 0207 467 1220.

USEFUL LINKS

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What's new in the [HSC/E](#) and the [European Agency](#).

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