

Risks

issue no 225 – 24 September 2005



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](#) [Disclaimer and Privacy statement](#).

UNION NEWS

Gangmaster backtracking throws a lifeline to criminals

Unions TGWU and GMB have warned that pressure for the Gangmasters Licensing Authority (GLA) to limit pre-licensing inspections to those gangmasters deemed sufficiently "risky" means rogues will avoid detection and will be granted a licence to operate. The union alert came as the trial began of five people charged in connection with the deaths of 23 cockle pickers at Morecambe Bay in 2003 ([Risks 155](#)). The unions - both members of the GLA - say they are extremely concerned that the GLA is coming under pressure from government to water down its checking procedures and accept "risk-based audits", where only certain applicants face full scrutiny to determine whether they should be awarded a licence. The unions say this is happening as a result of a government push to reduce by a third inspections by regulatory agencies, in response to the Hampton report ([Risks 208](#)). This is despite the GLA Board's agreed position that every applicant must go through rigorous pre-licensing checks. According to Chris Kaufman, TGWU nominee on the Board of the GLA: "It is accepted by all in the sector - the retailers, farmers and the trade unions - that we need to drive out the criminals who are exploiting workers and forcing good businesses to the wall. That is why we have to resist this pressure to limit which gangmasters are checked for compliance with the law." He added: "Watered-down checks will throw a lifeline to the rogues. They will then believe that they stand a reasonable chance of obtaining a licence without having to endure a thorough scrutiny process."

- [TGWU news release](#).
- **Hazards magazine webpages on [deregulation dangers](#) and [migrant workers](#).**

TUC welcomes minister's move on offshore hours

TUC has welcomed an indication from a government minister that he is minded to change the law to make clear offshore workers are covered by the Working Time Directive. The statement came from employment relations minister Gerry Sutcliffe at last week's TUC congress in

Brighton. Responding to the move, TUC general secretary Brendan Barber said: "The TUC and its affiliated unions covering offshore workers - Amicus, GMB, NUMAST, RMT and the T&G - welcome the minister taking action on this issue." He added: "We have always believed that offshore workers are covered by these regulations. We were very disappointed that the employers have used the law to try to stop workers getting their rights under the Working Time Directive. This change would help provide real protection for offshore workers. All we've ever asked for is that they should have the same holiday rights as everybody else." Unions have already won the argument at employment tribunal, however offshore employers indicated earlier this month that they intended to appeal the tribunal ruling ([Risks 223](#)).

- [TUC news release](#).

Ambulance fleet safety overhaul after UNISON warnings

Every one of the Welsh ambulance trust's fleet of newly converted vehicles needs to be altered to make them safe, it has emerged. The 46 ambulances, costing £64,000 each, were overweight when fully laden with fuel and people, tests have shown. The union UNISON, which highlighted the safety fears earlier this month, has welcomed the move. The ambulances, converted from standard Renault Master vans, were introduced earlier this summer and make up around 16 per cent of the trust's fleet. UNISON spokesperson Dave Galligan said: "It does now mean the vehicles won't be able to take two family members. It raises questions about how this happened in the first place. You don't buy 46 vehicles without evaluating them." Union officials representing paramedics said independent weighbridge tests had shown that the vehicles were overweight by as much as 40kg. Information plates on the vehicles recommend a maximum front axle loading of 1850kg. The weighbridge tests came in at 1890kg, although manufacturer Renault said the vehicles would be safe at a loading of up to 1870kg. A Welsh Ambulance Services NHS Trust spokesperson said: "There are still a number of other design issues to be resolved and the Trust is working closely with staff and trade unions to ensure these are laid to rest as soon as possible."

- [BBC News Online](#).

Amicus welcomes progress on Scots work killing law

Amicus has received the backing from Scotland's justice minister in its

campaign for corporate killing legislation in Scotland. MSP Cathy Jamieson told an Amicus meeting last week: "While growth is paramount to the Scottish economy there is an expectation that this growth will include corporate social responsibility. The outcome of the Transco trial ([Risks 222](#)) sent out fresh impetus for stricter controls in the area of culpable corporate homicide." The minister made direct reference to the Amicus campaign for company directors to be held responsible through imprisonment for workplace injuries or disease. John Quigley, Amicus regional secretary, said: "No one's life should be taken for granted. We know that when directors are held personally responsible for safety at work, standards improve. This change in the law can and would save lives." Amicus says an average of five people are killed every week through preventable workplace accidents.

- [Amicus news release](#).
- [CCA corporate homicide reform conference, 6 October, Glasgow \(see events\)](#)

OTHER NEWS

UK work cancer figures a "pointless" under-estimate

The Health and Safety Executive is grossly under-estimating the real incidence of occupational cancer in the UK, a major new report suggests. The lead author of 'Environmental and occupational causes of cancer: A review of recent scientific evidence,' published this week by the Center for Sustainable Production at the University of Massachusetts Lowell, dismisses as "pointless" and "counterproductive" the 1981 estimates by Richard Doll and Richard Peto used by HSE to calculate occupational cancer numbers in the UK. Last month HSE said the Doll/Peto paper, which put the occupational cancer contribution at about 4 per cent of all cancers, "is seen as broadly applicable to Great Britain today and remains the best overall estimate available" ([Risks 222](#)). However, Dr Richard W Clapp, lead epidemiologist for the new report, commented: "Our review makes it clear that new knowledge about multiple causes of cancer, including involuntary exposures, early-life exposures, synergistic effects, and genetic factors, renders making such estimates not just pointless, but counterproductive." Evidence presented in the report shows the Doll/Peto paper used by HSE systematically and grossly under-estimated the extent of the problem, including looking only at cancer deaths in people of working age, was based on a very limited list of occupational carcinogens and considered only studies of cancer rates in large industries. The new report says occupational cancer risks include

bladder cancer from the primary solvent used in dry cleaning, breast cancer from endocrine disruptors like bisphenol-A and other plastics components and non-Hodgkin's lymphoma from solvent and herbicide exposure.

- **Environmental and occupational causes of cancer: A review of recent scientific evidence. [News release](#), [executive summary](#) and [full report \[pdf\]](#). [HSE occupational cancer estimates](#).**

Boss jailed after worker crushed

The owner of a recycling firm has been jailed for 12 months, fined £30,000 and ordered to pay costs of £55,000 after an employee died in a shredder. Kevin Arnup, 36, from Norwich, was crushed to death after being pulled into the machine at MW White Ltd in Ketteringham in December 2003. Managing director Paul White, 43, of Drayton, near Norwich, had earlier admitted manslaughter and breaching health and safety regulations ([Risks 211](#)). Sentencing him Judge Mr Justice Bell said the safety breaches were "chronic". Norwich Crown Court heard the machine started up as Mr Arnup, a father-of-three, was inside it trying to clear a blockage. There was no lock off on the "paper hogger" and the emergency stop button did not work. Addressing White, Judge Mr Justice Bell said: "It must have been obvious to you that if the hogger started up during the operation when anyone was in the chamber it was really inevitable they would have been killed." The police officer in the case, detective sergeant Arthur O'Neill, thanked the Health and Safety Executive (HSE) for its "absolutely vital" contribution to the accident inquiry. The Centre for Corporate Accountability said this case was only the ninth in which a company director or owner had received a jail term for workplace safety offences. HSE last year announced it would be "good partners" with the waste industry, encouraging self-regulation ([Risks 162](#)). The industry has a fatality rate 10 times the national average.

- [Norfolk Constabulary statement](#) and [statement from the Arnup family](#). [HSE news release](#) and [waste webpages](#). [CCA news release](#).
- [Eastern Daily Press](#). [BBC News Online](#).

Firms could get safety inspection opt-out

A top government official has indicated some firms will soon be able to

apply for self-regulation, opting-out of the official health and safety inspection system. Paul Millar, head of the Department of Trade and Industry's (DTI) retail enforcement pilot, told this month's conference of the Chartered Institute of Environmental Health, there were plans for a 'traffic light' system in which 'excellent' businesses, that demonstrated high standards through self-reporting, customer feedback or external accreditation, would not be inspected by health and safety and food safety inspectors. Frequent inspections would be restricted to 'poor' businesses. The prospect of avoiding inspections, said Mr Millar, would provide a good incentive for businesses to improve. He commented: "We should not be concentrating on the number of inspections done but on how many businesses move from poor to good. We should not be measuring inputs but outputs." Set up in the wake of the Hampton report on regulation, the local authority better regulation group, Labreg, is now agreeing joint priorities for local authority regulation. Hampton called for inspections by official regulators to be slashed by a third. Unions have warned that this government drive to reduce 'red tape' should not lead to weaker health and safety enforcement ([Risks 208](#)). The lead government department on workplace health and safety is the Department of Work and Pensions (DWP), not the DTI. A pilot is already underway in Warwickshire and the London Borough of Bexley.

- [Environmental Health News. DTI Retail Enforcement Pilot](#) and related [DTI news release](#).

HSE warning after site transport death

Companies should plan how vehicles move around their sites, the Health and Safety Executive (HSE) has warned after the death of a worker. Derbyshire company Glebe Mines Ltd was ordered to pay £32,600 in fines and costs by Chesterfield Magistrates. It admitted failing to ensure the safety of driver Charles Green and was fined the maximum of £20,000 in the magistrates' court. The company also admitted failing to carry out a risk assessment, for which it was fined the maximum of £5,000. It was ordered to pay costs of £7,600. On 18 March 2003, Green, 53, from Ellesmere Port, was collecting a consignment of chemicals from Glebe Mines on behalf of another company, when he was trapped between a loading shovel and a forklift truck. He died later from his injuries. HSE inspector Kevin Wilson, who investigated the incident, said after the case: "Transport accidents are one of the most common ways workers are injured, and a little while spent planning how vehicles and pedestrians can both move safely

round a site can save lives. HSE can help and advise companies on the best way to do this - there's a section on our website which deals with it, and an online assessment to check how well you're doing."

- [HSE news release](#) and [workplace transport webpages](#).

Careless boss caused schoolboy's crushing

A reclamation yard boss has been told to pay up £18,000 in fines and costs after he crushed a schoolboy in a forklift truck accident. John Masterson was driving the vehicle at his business, JM Reclamation in Coppull, when 16-year-old Samuel Phillips was caught under the wheel. Leyland magistrates heard how Mr Masterson regularly drove the truck with Samuel, who worked at the yard on a casual basis, carried along on the side. The teenager's legs were caught by the rear wheels of the forklift after he jumped off the vehicle. He fell, and the forklift ran over his face, causing serious injuries. Investigations by Chorley council revealed the vehicle was inadequately maintained and there was no risk assessment for Samuel's work, the forklift truck operation or for moving, loading and unloading vehicles. The employees, including Samuel, had not been given health and safety training. Asked by magistrates about risk assessments for his business and employees, Masterson replied that he "was a little bit ignorant on that". He pleaded guilty to three charges including failure to ensure the safety of his employees or to maintain equipment in an efficient state. He was fined a total of £15,000, with £3,000 costs. A civil compensation case is ongoing.

- [Environmental Health News](#).

Roofing firm urges worker sun protection

A leading UK roofing firm has urged industry to help protect their workers from the sun, even though this requirement was dropped from a planned Europe-wide law. Earlier this month Members of the European Parliament voted to amend the European Commission's (EC) Optical Radiation Directive – aimed at limiting exposure to lasers, x-rays, welding torches or ultraviolet lamps – so it no longer includes sun exposure as a key risk. TUC warned the decision could place lives at risk from skin cancer ([Risks 223](#)), and the European TUC said the European Parliament's decision was "unacceptable" and reflected a damaging deregulatory shift in the European Commission. Now West

Midlands-based Marley Eternit has warned businesses not to underestimate the possibility of future legal proceedings against them if employees develop skin cancer. Marketing director Paul Reed said: "Companies may be relieved that they are not being told to force their employees to cover up. However, this may be short-lived if they are faced with legal action in years to come with the proposed corporate manslaughter legislation. Legislation aside, all companies have a duty of care to their employees, so safety first is the best possible policy here and strongly recommended, even though the EC's directive has not been voted through in full."

- [Contract Journal](#). [ETUI/REHS news release](#). [ETUC news release](#).

Bullying rife in UK firms

Bullying is rife across UK organisations according to new research from the Chartered Management Institute. The survey, which questioned 512 executives in public and private sector organisations, revealed that many senior managers are victims of bullying and identifies psychological intimidation as the biggest problem. The research also shows an alarming lack of awareness about dealing with workplace bullies. 'Bullying at work: the experience of managers', published in association with public sector union UNISON and the conciliation service Acas, found that 39 per cent of all managers have been bullied in the past three years. Middle managers are the most bullied amongst the UK management population, with half of them (49 per cent) having suffered. A lack of management skills is cited as the top reason (66 per cent) for bullying in the workplace. Levels of bullying appear to be higher in public sector organisations than in any areas of the private sector, according to the survey. Dave Prentis, general secretary of UNISON, commented: "Public sector managers are under increasing pressure to implement a constant raft of government reforms and at the same time deal with recruitment and retention difficulties. I believe this conflict is reflected in the higher level of bullying in the public sector."

- [CMI news release](#). [Contract Journal](#).
- **Bullying at work: the experience of managers, executive summary.**

Poor conditions fuelling NHS sick leave

NHS Scotland statistics have revealed the overall time lost due to sickness absence in 2004 was 5.35 per cent, the highest in five years. Commenting on the latest figures, Glyn Hawker, UNISON's Scottish organiser for health, said NHS staff are experiencing high levels of sickness because of staff shortages and rising levels of abuse from patients. Last year, workers suffered an average of 84.9 injuries per million working hours, with nurses bearing the brunt, with 149 injuries per million hours. She called on the Scottish Executive to increase staff numbers, introduce more family-friendly working practices and extend levels of protection for workers. She added: "To be tough on sickness, they will have to be tough on the causes of sickness, to coin a phrase. It is also going to be the case that absence levels in the NHS are going to be higher than the workforce at large because you don't want ill staff working with patients at risk of infection." The Executive is calling for a 4 per cent drop in NHS sickness absence levels by April 2008, as part of an efficiency drive.

- [The Scotsman.](#)
- [Hazards sickness absence news and resources.](#)

Companies failing to support homeworkers

More than one-third of UK companies may be failing to look after the health and safety of homeworkers adequately, according to a survey of UK information technology (IT) directors. It found 35 per cent of companies surveyed do not include mobile workers and homeworkers when it comes to implementing Health and Safety Executive (HSE) guidelines. Graham Ridgeway from management service company Touchpaper, which conducted the research, said companies need to accept that teleworkers should be given the same facilities as on-premises employees, adding "people working from home need to be treated the same as those who work from the office with access to support and information." Homeworkers should be covered by the same health and safety regulations that apply to office-bound employees such as safety checks around electrics, cabling, heating and ventilation as well as seating and workstation positioning. A spokesperson for the HSE confirmed that homeworkers should be included in any office risk assessment but said that the executive had no real prescriptive guidelines.

- [ZDnet.](#)

ACTION

Safety reps in action

The Labour Research Department (LRD) is preparing the new edition of its 'Safety reps in action' booklet, outlining the crucial role played by safety reps in the workplace. LRD is also planning to create a database of policies negotiated by safety reps to help share good practice. It wants safety reps to send LRD any of the following: Health and safety policies on particular issues that the union has negotiated nationally or safety reps have negotiated in workplaces; examples of health and safety improvements won in workplaces because of the intervention of safety reps; examples of industrial action over health and safety matters; and information on the use of enforcement agencies, for example HSE, to secure improvements.

- **Complete the [online survey form](#) or send comments or materials by email to [Paul Hampton](#) or freepost to LRD, 78 Blackfriars Rd, London SE1 8YX.**

INTERNATIONAL NEWS

Australia: Unions get restless over dangerous beds

Hotel and hospital staff in Australia say they won't accept lying down the introduction of dangerous new beds. Unions in Tasmania are concerned new hospital beds pose a health risk for staff and a potential danger to patients. The Australian Nursing Federation says the French-made beds are so difficult to steer they are an occupational health and safety risk. ANF state secretary Neroli Ellis said nurses were concerned about hurting their backs while steering the electronic Hill-Rom beds. "Unfortunately they were introduced without sufficient time to train staff," she said. "We are obviously appreciative of new equipment but not at the expense of the occupational health and safety of our nurses." Hotel workers, meanwhile, are concerned as hotels competing for custom introduce new luxury beds. Unions says staff are having to put in several hours more work each week making the new beds, with some already reporting health problems as a result of the additional lifting and bending. A spokesperson for hotel workers' union, LHMU, said: "We are watching carefully about what's happening with the introduction of these new beds." In Chicago, the hotel union has made bed-making an occupational health and safety issue. It pressed for a new law that mandated three extra breaks as compensation for the extra work. But the hotel industry has had the laws delayed. It said

the measures would hurt productivity and profits.

- [The Mercury](#). [Sydney Morning Herald](#).

Global: Deregulation is the treacherous choice

Regulation and enforcement are the best ways to ensure safe and healthy workplaces, top international union leaders have said. Speaking ahead of this week's World Congress on Safety and Health at Work in Florida, Marcello Malentacchi, general secretary of the global metalworkers' federation IMF, said: "Many governments and employers are seeking to deregulate standards and bring in voluntary behaviour-based safety programmes. However, overwhelming evidence shows that inspection and enforcement, backed up by meaningful penalties for endangering life and limb, are far more effective ways of delivering workplace safety improvements." He called on the International Labour Organisation (ILO), an official sponsor of the congress, to put an end to the myth that deregulation will result in safer workplaces. "The ILO and its global programme on health and safety, known as Safework, should play a vital leadership role in destroying the myth that deregulation is best," he said. Anita Normark, general secretary of the global building workers' federation IFBWW, added: "We do not agree with the ILO's approach of promoting safety culture and behavioural safety programmes. We want a rights based approach, we need trade union recognition, reasonable rights of access to workplaces to recruit, organise and represent on health and safety, as well as the establishment of trade union safety reps and joint trade union-management workplace safety committees." According to Marcello Malentacchi: "Globalisation should be about enforcing the same high standards everywhere, not making work equally treacherous."

- [IFBWW news release](#). [IMF news release and opinion column](#).

Global: Work-related deaths on the rise

As many as 5,000 people die every day as a result of work-related accidents or illnesses, the International Labour Organisation (ILO) has said. The UN body said the global death toll from work-related incidents and disease was an estimated 2.2 million a year, 10 per cent higher than three years ago. The ILO report says that while fatalities have fallen in industrialised nations, they are on the rise elsewhere,

particularly in Asia. The majority of workers lack legal protection on safety issues while most cannot claim compensation for injuries or illnesses suffered in the workplace, the ILO warned. Concerted action is needed at national and international levels, the ILO said, to strengthen workplace safety regulations and to improve compliance by employers. It said it was particularly concerned about the low level of reporting of workplace accidents by some countries, particularly developing nations. India reported 222 fatal work-related accidents in 2001, but the ILO estimates the real figure to be closer to 40,000. China, whose economic growth has been fuelled by a boom in construction and low-cost production, reported 12,554 fatal accidents in 2001. The ILO believes the actual death toll was closer to 90,000. The report stressed that some countries needed to introduce tougher laws governing workplace safety, while enforcement must be beefed up. "Inspectors should not be considered as nuisance or threats to business," it said. "Countries with the best inspection systems are also the most competitive ones worldwide."

- [ILO news release](#), **Decent Work - Safe Work, ILO introductory report to the XVIIth World Congress on Safety and Health at Work [pdf]** and [interview with ILO Safework director Jukka Takala](#). [World Congress news releases](#). [BBC News Online](#). [Bernama](#).

Global: Airport check-in causes real pain

Airport check-in staff are facing abuse, violence and pain as an everyday consequence of their work. An International Labour Organisation (ILO) study has found four out of five check-in staff have been victims of verbal "ground rage", one out of five has been threatened and one in 20 has suffered physical assault. About half of the workers studied reported constant neck, shoulder or lower back pain. Only one out of four reported having no pain at all; many live with pain 24 hours a day. "These are not little sores or cuts, but rather significant suffering, bad enough to seriously disturb their sleep," said report lead author Dr Ellen Roskam. The study, carried out at airports in Canada and Switzerland, identified occupational health hazards and violence from aggressive passengers as the most important challenges for workers, trade unions and management. The study found that modern management methods were making the situation worse, with working conditions taking second place to profits, with the real costs instead borne by staff. According to Roskam, these costs should be of

concern to the employer, "given that productivity, alertness on the job, customer satisfaction, and efficiency can be reduced when workers are sleep deprived, or where muscular pain causes restriction in freedom of movement."

- [ILO news release](#).

Global: Tobacco industry weakened pesticide regulations

The tobacco and chemical industries together campaigned to delay and weaken international regulations on pesticide use, according to new US research. The findings, reported ahead of publication on the *Environmental Health Perspectives* website, are based on an analysis of internal tobacco company documents. The researchers found the tobacco industry hired ex-agency scientists to intervene in US Environmental Protection Agency decision-making, hired a consultant to influence World Health Organisation pesticide regulatory deliberations without revealing his industry ties, and staged a useless test aimed at convincing regulators that no further restrictions were needed to control an especially deadly pesticide, phosphine. Report senior author Gina Solomon, assistant clinic professor at University of California San Francisco (UCSF) School of Nursing and senior scientist at the Natural Resources Defense Council (NRDC), said: "Cynical manipulation of health protection in favour of corporate profit may not be new. But this is the first time we've seen 'big tobacco' working hand-in-glove with the big chemical companies, with the proof of the deception glaring from their own internal documents."

- [UCSF news release](#). Patricia A McDaniel, Gina Solomon and Ruth E Malone. [The tobacco industry and pesticide regulations: Case studies from tobacco industry archives](#), *Environmental Health Perspectives*, online doi:10.1289/ehp.7452

Ireland: Workers breathe easier after smoking ban

Ireland's nationwide ban on smoking in all workplaces has not only cleaned up the air in pubs and restaurants, it has also improved the health of the people who work there, researchers say. Professor Luke Clancy, an expert in respiratory disease at Trinity College, Dublin, has shown that particulate matter in pub air, which is a feature of smoke pollution, has decreased and workers are breathing better. "This is the first time that we have measured the pollution and measured the

effects," Clancy said. The study, presented to a European Respiratory Society meeting in Copenhagen, found a dramatic reduction in indoor pollution. The researchers also recruited 81 male bar workers and measured their lung function before and a year after the ban became law. "We found a 30-40 per cent decrease in symptoms, both respiratory and irritant," said Clancy, referring to shortness of breath, coughs and water eyes. Lung function in the non-smokers also improved but it continued to deteriorate in smokers. Opponents of the Irish ban had warned that the law would put Ireland's famous pubs out of business, but their fears have not materialised. Norwegian research reported at the meeting found a similar beneficial health effect of a smoking ban on café, restaurant and bar workers.

- [ERS news release](#). [Sydney Morning Herald](#). [Reuters Health](#).
- [Hazards smoking news and resources](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER 2005

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

CCA corporate homicide reform conference, 6 October, Glasgow

The Scottish Executive has set up an expert group to review the law on corporate homicide. The Centre for Corporate Accountability conference on 6 October is supported by the STUC and seeks to involve union safety reps and campaigners and others in the debate on how the Scottish law should develop. It will consider whether there is a real Scottish alternative to the Westminster reform.

- [CCA conference](#) and flyer [[pdf](#)], Thursday, 6 October 2005, Partick Burgh Hall, 3-9a Burgh Hall Street, Glasgow. £40 standard fee, £70 public bodies, £100 for lawyers, businesses. £10 unwaged. For further details, [email](#) or phone CCA on 020 7490 4494.

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