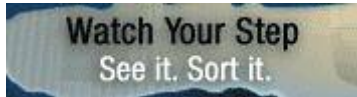




Risks Newsletter



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

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UNION NEWS

Anger over smoking climbdown

The TUC has reacted angrily to proposals to exempt some bar workers and workers in private

clubs from the proposed ban on smoking in workplaces and public places. This followed speculation that the government was likely to take into account the results of the recent consultation exercise which showed that 90% of respondents wanted a complete ban.

Commenting on the Health Bill, TUC General Secretary Brendan Barber said: 'This is a missed opportunity that is very disappointing. The government is now going ahead with proposals that were overwhelmingly rejected in a public consultation as unworkable. If ministers cannot agree among themselves, then they should give MPs a free vote.'

The exemptions have also been opposed by the BMA, Cancer groups, health campaigners and also by many in the pub and club trade who have called for a level playing field.

- [TUC press release](#). [BMA press release](#).

Gangmaster inspections watered down

The GMB has expressed fears that government plans to water down the licensing proposals for gangmaster registration could lead to another Morecombe Bay tragedy instead of preventing it.

GMB's major concern is over the licensing regime. Despite earlier agreement at the Gangmasters Licensing Authority (GLA) Board and Government Ministers that every labour provider applying for a license would be inspected - and that inspection would include anonymous discussions with workers - John Hutton and the Better Regulation Executive have intervened to say that only 15% of all applicants will be inspected before licenses are issued. Other labour providers will only be inspected if they have previously broken the law

- [GMB press release](#).

Amicus demands reinstatement of second 'whistleblower'

Amicus is demanding the reinstatement of one of its members suspended by Leeds Mental Health

Trust. As reported in [Risks 229](#), Amicus believes that two leading members of staff are being victimised because they have raised concerns about problems concerning the design and building standards of three PFI hospitals built by Leeds Mental Health Trust.

The union says that the two members of staff's suspension coincided with their giving evidence to a scrutiny committee of Leeds City Council over alleged shortfalls in design and building standards of trust hospitals. One has since had the suspension lifted.

Amicus Regional Officer, Terry Cunliffe, said: "Our members, who have raised justifiable concerns about the safety of patients and staff at the hospitals because of numerous design and building faults, are being scapegoated by the Trust for telling the truth.

You would imagine that the Trust's primary concern would be health and safety but they seem intent on victimising our members instead."

Concerns about the safety and fire standards at the three hospitals have been substantiated through an independent survey by NHS Estates. Members of Leeds City Council have also backed calls for a public inquiry.

- [Amicus press release](#).

OTHER NEWS

TUC concern at drop in prosecutions

The TUC today has expressed grave concern at the latest prosecutions statistics published by the Health and Safety Executive

The figures reveal that despite hundreds being killed and thousands injured at work every year the number of negligent employers being prosecuted for health and safety crimes has dropped, as has the amount of enforcement

notices issued forcing employers to make their workplaces safer.

Figures published in the HSE Offences and Penalties Report show a 35 per cent fall in prosecutions of employers in the past three years and a 25 per cent drop in enforcement notices served in the last year. And the TUC is concerned that it's not just the HSE which is letting employers off the hook.

Local authorities are also taking fewer local companies to court as a result of accidents and injuries sustained at work. In the past ten years, council prosecutions have dropped by 50 per cent and there has been a 75 per cent fall in the number of enforcement notices issued.

TUC General Secretary Brendan Barber said: 'Last year 220 workers were killed in the UK, over 150,000 people were injured and 2.2 million people are suffering from an illness that was either caused or made worse by their work. All these accidents, injuries and diseases are avoidable and most are caused by employers ignoring health and safety laws.

'We don't want to see HSE inspectors spending all their time in court, but at the moment it's very easy for employers who've put their employees' health and safety at risk to escape punishment.

'If the UK is to get to grips with its extremely poor safety record, we have to see more inspectors out there visiting workplaces, more targeted prosecutions of offending employers and more use of enforcement notices. The Government should also provide the HSE with extra resources so that it can do its job properly.'

'Good employers have nothing to fear but the bad ones do. TUC research has shown that when an enforcement notice is issued, over two thirds of employers not only comply, but also end up reviewing health and safety practices elsewhere in their organisation.

'Without a doubt, enforcement is the single most effective tool the HSE has at its disposal for improving health and safety standards in UK companies and organisations. When the Health and Safety Commission launched its new strategy for improving workplace health and safety last

year it promised that enforcement would still be a key part of this. Today's report shows that this is clearly not the case.'

- [TUC press release](#). [HSE enforcement report](#).

24 hour opening means greater risk of hearing loss

RNID and the TUC have warned that changes in the Licensing Act, allowing 24 hour opening, will lead to an increased likelihood of workers in bars, clubs and pubs being exposed to dangerously loud noise for longer. They fear extended opening hours will mean the 568,000 people already working in this growing industry will be subjected to music so loud they could lose or permanently damage their hearing.

Excessive noise in the workplace has caused half a million people in Great Britain to suffer deafness or other ear conditions. In some bar and club venues, workers' hearing is being damaged by music as loud as an aircraft taking off (110dB(A)).

Brian Lamb, Director of Communications at RNID, says: 'Noise at work issues are usually associated with industries such as manufacturing and construction. However, with more licensed premises opening longer and playing loud, amplified music, staff working in bars, clubs and pubs might not realise their hearing is being put at such high risk.

Hugh Robertson, Senior TUC Health and Safety Officer, says: 'If bar and club owners don't protect their staff from ear splitting noise they will end up in court. In just over two years the leisure industry will be covered by new legislation, which reduces further, noise levels in music venues. How are they going to meet the legal requirements when they cannot even comply with the current regulations? The industry must get its act together quickly before it is hit with a huge wave of compensation claims and enforcement action.'

- [TUC press release](#).

HSE issues updated guidance for food manufacturing industries

The Health and Safety Executive (HSE) has published a new edition of its guidance for food manufacturing industries, *A recipe for safety: Occupational health and safety in food and drink manufacture*. This publication provides practical advice for management, supervisory staff and workers' representatives in the food and drink manufacturing industries. It also aims to increase understanding of the injury and ill health picture in these sectors and to stimulate awareness of priority areas for attention.

The new edition has expanded chapters on occupational health and sets out benchmarks for both occupational health and safety risks. Member organisations and expert advisers of the Food Manufacture Health and Safety Forum contributed to and reviewed the publication, making it a truly joint HSE/food industry booklet involving both trade organisations and trade unions.

The booklet also contains useful guidance on why it pays to manage health and safety, an action plan for management, and guidance on managing safety hazards and occupational health priorities.

Doug Russell, health and safety officer for the union USDAW commented: "The Recipe for Safety campaign has been a brilliant example of the benefits of trade unions, employers and the HSE working together. The wide availability of the original campaign document as a free HSE publication was important because it made it easier to spread the message. It is a cause for concern that the HSE has decided to produce the updated book as a priced publication as this will limit circulation. But the new Recipe for Safety is an important book with an important message. The focus on occupational health is particularly welcome. I urge union safety reps in the industry to get management to buy copies and discuss the campaign in their safety committees. MSD, asthma, dermatitis and stress are significant risks in different sections of the industry. But they can

all be tackled by raising awareness and improving working conditions."

- Copies of *A recipe for safety: Occupational health and safety in food and drink manufacture*, HSG 252, ISBN 0 7176 6115 6, price £9.95 can be ordered online at <http://www.hsebooks.co.uk> and are also available from [HSE Books](#), PO Box 1999, Sudbury, Suffolk, CO10 2WA, Tel: 01787-881165 or fax: 01787-313995.
- For a flavour of the guidance, the HSE have put the occupational health chapter of the new Recipe for Safety document on the food pages of the [HSE website](#).
- Information on the 'Recipe for Safety' initiative and health and safety guidance for the food industry can be found on the [HSE website](#).

Textile workers to sue over hearing loss

Textiles companies could face potential fines of millions of pounds if courts find they let their employees go deaf through work. The Nottinghamshire and Derbyshire Industrial Deafness Litigation involves about 1,500 former textiles workers who claim to suffer from noise-induced hearing loss from working at local mills.

They say their employers let them work close to noisy machinery without providing ear protection, despite knowing it would risk damaging their hearing.

Test cases are being brought against companies including Coats Viyella, Courtaulds and Warwick Fabrics in a group action.

- [Personnel Today](#).

Government launches new health strategy

The Government has launched a new strategy on Health, work and well-being at work. The initiative, which involves the Department of Work and Pensions, the Department of Health and the HSE aims to ensure that the various

proposals for dealing with health and rehabilitation among the working age population are brought under one strategy. Commenting on the strategy the TUC's Hugh Robertson stated "We strongly welcome any initiative that will help produce a joined up initiative on issues such as rehabilitation and return to work, however the government must not lose sight of the fact that the top priority must be to prevent people being made ill or being injured in the first place. We hope this initiative will lead to more resources being made available for occupational rehabilitation."

The initiative was also welcomed by IOSH, whose President-elect, Neil Budworth stated "Occupational ill-health is a huge issue. 2.2 million people in this country suffer ill health that they claim was caused or made worse by work. That's just not acceptable. We need to educate employers and employees on these issues.

"As well as protecting those in the workplace by ensuring proper safety and health procedures are in place we also need to be sure that people coming back to work after being on Incapacity Benefit are ready and able to return to work. We also need to ensure that people are properly rehabilitated and that employers are giving them the assistance they need.

- [The government strategy](#). [IOSH press release](#)

Health and Safety Minister to Launch Acoustic Safety Conference

Health and Safety Minister Lord Hunt has announced that he will be launching the Acoustic Safety Conference, which will take place at the National Physical Laboratory HQ Conference facilities in Teddington Middlesex on 7th and 11th November.

The Minister will also be announcing a new Industry Noise Awards Scheme of which CWU National Health and Safety Officer Dave Joyce has been invited to be one of the judges.

Dave Joyce said: "until fairly recently not a lot of people had heard about acoustic shock which perhaps is not surprising when you consider that the call centre industry itself is less than 20 years old, during which time it has sustained massive technological change. The CWU has steadfastly campaigned for recognition of Acoustic Shock, a devastating 21st century industrial injury problem, and for a technological solution."

By 2005, £2 million in out-of-court acoustic shock injury settlements claims have been secured in the UK, with the CWU and PCS handling 700 cases between them. Dave will be telling the call centre industry representatives at the forthcoming conference that employers need to take the acoustic shock risk very seriously.

Places are available for CWU representatives wanting to attend the conference free of charge.

- All information is on the [Acoustic Safety Programme \(ASP\) website](#) or call David Lilly ASP Director on 01985 841 245 (direct) or mobile 07944 487226
- [CWU press release](#).

Department for Work and Pensions to pay staff for not pulling a sickie

The government is to pay bonuses to civil servants who turn up for work rather than pulling a sickie, according to newspaper reports.

Department for Work and Pensions (DWP) minister Lord Hunt said cash incentives are planned as part of attempts to tackle high levels of public sector absenteeism, reports the Telegraph.

Lord Hunt said: "I certainly think using incentives is a good thing and we at the DWP, as part of this process, got some money allocated towards some incentive schemes."

Previous studies have shown that the public sector have got lower short term sickness rates than the private sector, but higher long-term absenteeism, however this initiative is clearly aimed at short-term absenteeism. There is concern that much of the sickness absence is a result of high workloads and that incentive schemes will simply increase “presenteeism” whereby sick staff will force themselves to come into work. This could lead to even greater long-term sickness.

- [Personnel Today](#).

Unhappy workers face health risks

Researchers in Finland have found that workers who felt they were being treated fairly had a much lower incidence of coronary heart disease, the leading cause of death in all Western societies.

“Most people care deeply about just treatment by authorities,” study author Mika Kivimaki of the Finnish Institute of Occupational Health wrote in this week’s Archives of Internal Medicine. “Lack of justice may be a source of oppression, deprivation and stress.”

People consider that they are being treated fairly at work when they believe their supervisor considers their viewpoint, shares information about decision-making and treats individuals fairly and in a truthful manner, the study said.

The researchers tracked the 10-year incidence of heart disease in over 6,400 male civil servants in London who had been polled on their perceived level of justice and injustice in the workplace.

“In men who perceived a high level of justice, the risk of coronary heart disease was 30 percent lower than among those who perceived a low or an intermediate level of justice,” the researchers said.

That finding was not accounted for by other risk factors, from age and socioeconomic status to cholesterol levels, alcohol consumption and physical activity, the authors said.

- [Summary of report](#).

Airport masseuse with RSI awarded £109,000

A masseuse who worked in Virgin Atlantic's Upper Class lounge at Heathrow was yesterday awarded £109,000 in damages after developing repetitive strain injury. Elizabeth King, 28, gave Shiatsu back and shoulder massages to fully clothed passengers until she developed painful symptoms of tennis elbow and golfer's elbow. The problems began in the lead-up to Christmas 2000 during an increase in passengers and staff shortages.

A doctor told Winchester crown court the RSI had been caused by the "abnormal posture" of massaging seated clients and doing it too frequently.

- [The Guardian](#).

RESOURCES

PCS Report It! Campaign

PCS are aiming to run two co-ordinated campaigns on health and safety. One to improve the general level of reports of near-miss and minor incidents and the second to place particular attention on the need to report all incidents of violence, abuse and threat.

The union has produced and issued to Branch Secretaries and H&S Reps: a guidance pack for reps, posters to put up in workplaces, detailing who health and safety reps are, a leaflet to hand out to members to remind them of the aims of the campaign, and window and paper stickers - to keep the image of the campaign visible so as to act as a constant reminder to members of the importance of reporting all incidents.

- Materials are available from the Equality, Health & Safety Department at PCS, 160, Falcon Road, London SW11 2LN. Tel: 020 7801 2683.
- [PCS website](#).

INTERNATIONAL NEWS

King Kong set doesn't need to be unsafe

President of the Council of Trade Unions, Ross Wilson, has claimed "Film sets in New Zealand don't need to be unsafe". He was responding to a report of significant unsafe practices on Peter Jackson's King Kong set in Wellington, in the Dominion Post newspaper.

"The practices on the set of King Kong were clearly unacceptable," said Ross Wilson. "New Zealanders need to stop viewing Peter Jackson through rose tinted spectacles, and see the reality that this is a business where safety comes last for cost reasons. This is an American owned production company organising the work in New Zealand, and the company and Jackson need to take proactive steps to ensure the safety of the workers on their set."

"This doesn't need to be confrontational - we are just asking that Jackson move away from his anti union approach and respect employees' right to organise around safety in their workplace," said Ross Wilson.

He added "The union led health and safety workplace reps system has had a significant impact on safety at work - with a 60% reduction in workplace fatalities in the 2 years it has been operational. Workers in the film industry need to recognise the value of organising collectively as real unions to improve their conditions at work - and film set management should listen seriously to them,"

- [Press release](#):

New restrictions on asbestos in South Korea

The South Korean Government is reported to be introducing new tighter regulations on asbestos. Once designated, the import, manufacture and use of asbestos will be strictly limited.

The Ministry of Environment said that it is considering ways of restricting the material after consultations with the related government agencies and gathering opinions from businesses that manufacture and use asbestos, including construction firms and automakers.

Asbestos has been regulated under the industrial safety and health act but a large quantity of the substance is still in use, putting public health and the environment at serious risk, a ministry official said.

We have decided to reinforce the law on asbestos and once it is designated as a highly restricted substance, it will be much harder to import, manufacture and utilize." the official added.

- [Korean Times](#).

No joy in Hardie deal

An asbestos victim and advocate, Bernie Banton criticised James Hardie Industries for delays in its compensation payout deal during an awards ceremony

Four months after being made a member of the Order of Australia, Mr Banton was given the Australian Lawyers Alliance Civil Justice Award at a ceremony in Cairns.

The award commends him for preserving individual rights and human dignity in his fight to claim compensation from the building products company.

James Hardie agreed in principle to a \$4.5 billion compensation deal for victims of

asbestos-related diseases last December after protracted negotiations.

Mr Banton, who has asbestosis, said the company was indulging in "corporate immorality" by failing to make the payouts 10 months after the deal was finalised.

- [News release](#).

Silent victims of silicosis

An article in the Indian Paper "Frontline" has shown that a large number of quarry workers die a slow death without any compensation from their employers, having no proof to link their illness to the conditions of work. Most quarry workers suffering from silicosis do not even know what their disease is.

Some State governments have passed legislation to tackle silicosis as an occupational disease; however, compensation is hard to come by, unless local doctors cooperate. Silicosis is often mis-diagnosed as TB, which carries no compensatory liability.

The demand for compensation is being raised now in Delhi's Lal Kuan area, where there were several silica-stone quarries until 1992, when a Supreme Court judgment ordered the quarries to shift out of Delhi. The workers were left behind, sick with silicosis and without any compensation.

Groups such as Prasar, Delhi Forum, Toxics Link and Centre for Education and Communication have joined hands to form the Khaan Mazdoor Adhikaar Manch. One of the first things this group did was to petition the National Human Rights Commission (NHRC) and demand compensation from the Labour Ministry for those affected by silicosis, starting with the workers from Delhi.

The Khaan Mazdoor Adhikaar Manch intends to lobby for more stringent occupational safety laws, which could cover even unorganised and casual labourers. It is preparing a model Occupational Safety Bill and lobbying to get it introduced in Parliament. The collective also plans to petition the Supreme Court, demanding occupational health centres across the country.

- [Frontline magazine](#).

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](#)

COURSES FOR JANUARY TO MARCH 2006

- [South East](#)

Launch of "Health and Work Handbook"

The Faculty of Occupational Medicine are to launch their "Health and Work Handbook" on 6th December at the Royal College of Physicians in London. Speakers will include the Minister of State, Margaret Hodge and the DWP Chief Medical Officer, Bill Gunnyeon. Places are free.

- For more details e-mail anna.mcneil@facocmed.ac.uk Download programme : [Health and Work-Provisional Programme \(6.35MB Pdf file\)](#)

USEFUL LINKS

- **Visit** the TUC http://www.tuc.org.uk/h_and_s/ website pages on health and safety. See what's on offer from [TUC Publications](#) and [What's On in health and safety](#).
- **Subscribe** to [Hazards](#) magazine, supported by the TUC as a key source of information for union safety reps.
- **What's new** in the [HSC/E](#) and the [European Agency](#).
- [HSE Books](#), PO Box 1999, Sudbury, Suffolk

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