



Risks Newsletter



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Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to the TUC at healthandsafety@tuc.org.uk

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](#).

In this issue

• UNION NEWS

- Poor odds for casino workers
- Union calls for bird flu contingency plan
- Train drivers push criminal suits case
- Tube workers in twin fire protests
- Postal workers won't be left in the dark
- Oil tanker drivers complain of bullying
- Get geared up for 28 April

• OTHER NEWS

- Cockler gangmaster gets 14 years
- Morecambe Bay lessons must be learned, say unions
- Firm fined for oil refinery blast

- Workplace smoking ban takes effect in Scotland
- Bosses urged to listen to new noise rules
- Petition calls for global asbestos ban
- **INTERNATIONAL NEWS**
- Australia: Union prosecutes bank for not deterring robbers
- Australia: Trucking firm fined for fatal fatigue smash
- France: Work diseases are growing
- Philippines: Unions push for better mines safety
- Spain: Special prosecutor for safety criminals
- Sweden: Work hurt one in four last year
- **RESOURCES**
- GOSH, look at this!
- USA: Health care injuries damaging health care
- **EVENTS AND COURSES**
- TUC courses for safety reps
- **USEFUL LINKS**

UNION NEWS

Poor odds for casino workers

Most casino workers are suffering from health problems caused by their work, union researchers have found. A new study by the GMB union in Scotland reveals that long hours and poor working conditions are major culprits. The union's report says three quarters of croupiers suffer from recurrent back and neck ache, one in five reports early signs of carpal tunnel syndrome and 79 per cent complain of tiredness, with sleep disturbance and chronic fatigue commonplace. Stress and violence at work was up from the last survey in 2003, with the number of staff experiencing assaults trebling, racial harassment doubling and "as many as 40 per cent of women workers surveyed reporting sexual harassment." The union said the Scottish ban on smoking in public places which took effect last week was a welcome move. Secondhand smoke was seen as a major reason why one in five staff complained of respiratory problems, over a half (51 per cent) of eye irritation and 61 per cent of throat irritation. GMB Scotland casino's organiser Richard Leonard said: "What is especially striking is that the average age of these workers is just 34 years old. They are not workers approaching the end of their working lives but younger workers just setting out on their careers, yet they are already suffering from stress, fatigue and upper limb disorders." He added: "There is strong evidence that government deregulation over the last five years has made conditions at work worse. Longer casino opening hours and more liberal alcohol rules have meant longer shifts and more exposure to abuse, even assaults. That's why we are calling for a worker impact assessment by the Scottish Executive and the UK government of any future deregulation proposals."

- [GMB news release.](#)

Union calls for bird flu contingency plan

A trade union has called for a co-ordinated response against the threat of bird flu. Farm and food union TGWU is asking for a four-step plan to be put in place to protect the countryside, poultry and food industry workers. The plan would involve the TGWU, Department for Environment Food and Rural Affairs (Defra), the Department of Health and the Health and Safety Executive agreeing on co-ordinated action. The union is calling on Defra to implement the plan. TGWU is recommending assessments of poultry hatcheries and processing operations in order to produce a contingency plan for the safety of workers and of the effects on poultry employment of a sudden fall in poultry consumption by the public. It also wants a commitment from government to provide financial support for poultry and other workers who may be laid off temporarily in the event of any bird flu outbreak. "These are sensible plans which we want to discuss with the minister so a calm and measured response can be agreed in the event of an outbreak," said TGWU national secretary for agriculture Chris Kaufman. He added that union reps had also suggested measures be taken to protect tourism interests. This, he said, had particular relevance for farms and zoos as well as wild fowl trusts and similar places of interest.

- [TGWU news release. BBC News Online.](#)
- [Hazards infections webpages.](#)

Train drivers push criminal suits case

Fifty members of the train drivers' union ASLEF leafleted Paddington Station on 28 March to protest at the government's failure to introduce meaningful corporate manslaughter laws - despite promising they would be introduced before the election of 1997. ASLEF said that where decisions by senior managers lead to rail accidents, those managers must be held responsible. "Just because they commit their crime in a suit doesn't make them innocent," said union general secretary Keith Norman. "Since rail was privatised, senior managers have

other priorities besides safety – profits, returns margins, their bonuses. Corporate manslaughter laws will ensure that safety really is the number one issue.” ASLEF leaflets asked rail travellers to write to or email the home secretary, Charles Clarke, saying: “Eight years ago, you said you were going to introduce a corporate manslaughter law. As a rail traveller, I’d like to know when you will do it. I don’t want an excuse. I want a date, please.” Keith Norman said: “This issue will not go away, because ASLEF will make sure it doesn’t.”

- [ASLEF news release](#).

Tube workers in twin fire protests

London Underground (LU) union RMT is warning that fire safety in the Tube is facing a twin threat. It says crucial fire safety laws are face the axe and says management have their own plans to downgrade fire safety cover. RMT general secretary Bob Crow said regulations introduced after the 1987 King's Cross fire must be retained. “These regulations are not academic, they are quite literally a matter of life and death, and our members and the travelling public have the right to expect that rules that protect them are not thrown out,” he said. The union has also warned that London Underground has prepared plans to scrap its fire inspections and the post of fire safety adviser. The BBC had reported that it has seen an email from LU's fire engineer which called it “inadvisable in the extreme” to go through with the changes. Bob Crow said Tube managers were trying to impose changes rather than allow more negotiations. “For all sorts of reasons - not least the security situation - the fire risk on the London Underground has increased significantly,” he said. “Now is not the time for LU to weaken fire safety management or for ministers to abolish minimum fire safety standards.” An LU spokesperson said it was abolishing a senior fire safety adviser post, but said that would not have any effect on overall standards.

- RMT news releases on the [downgrading of the fire safety system](#) and [the threat to the fire safety regulations](#). BBC News Online on [the threat to the regulations](#) and to [fire safety cover](#).

Postal workers won't be left in the dark

An attempt in parliament to alter the way Britain's clocks are set to create lighter evenings and darker mornings has been criticised by postal union CWU. Lord Tanlaw, a cross-bencher, is urging a three-year trial of ‘double summertime’, claiming it would mean lighter evenings and improvements to road safety. The proposal in the new Bill would if adopted advance time in England one hour ahead of GMT during winter and to two hours ahead of GMT during summer, starting on 29 October 2006 for a 3-year trial ending on 25 October 2009. CWU national safety officer Dave Joyce picked holes in the proposal, which he warned could result in different time zones in different parts of the UK. He added that “the key concern for the CWU is that our delivery workforce of 90,000 postmen and women delivering letters, packets and parcels would not benefit at all from the creation of lighter evenings but would certainly suffer as a result of working on the darker mornings.” He added: “The claim from the Bill's supporters is that we could benefit from a reduction in road accidents on winter afternoons when the rush hour coincides with fading light but it fails to consider the obvious increased risk of accidents caused by the darker mornings to postal workers and that's the time people are rushing to work.” He added that “assaults and attacks on postal workers increase in the winter due to the dark mornings and that could worsen by imposing extra hours of darkness because criminals prefer to commit a crime during hours of darkness. If this change does come into being then the whole risk profile changes and the government and Royal Mail will have to do more to protect our people and control the safety risks.”

- [CWU news release](#).

Oil tanker drivers complain of bullying

A “macho management” culture is leading to bullying and harassment of oil tanker drivers, their union has said. TGWU national secretary for transport, Ron Webb, said senior managers should be aware that abuse of disciplinary and grievance procedures would not be tolerated. He told a sector bargaining conference last week “we have added the issue of macho-management as it is fast becoming the big concern. We are concerned that drivers are being sacked or threatened with dismissal by managers who are trying to 'crack the whip' unreasonably and unnecessarily. We are also getting reports of the industry using sickness policies inappropriately to tackle absences from work.” He said the number of cases being reported to the union appeared to be rising. “The best way to run the industry is to work with the drivers and their union if there is a perceived absence problem,” he said. “Companies know the TGWU will stand up for our members especially when they are being subjected to unfair pressure. I believe a clear message from the conference will be to say to the industry come back from the bullying brink it is approaching or there may well be industrial action ballots.”

- [TGWU news release.](#)

Get geared up for 28 April



The TUC is urging unions and safety activists nationwide to throw their considerable campaigning power behind this year's Workers' Memorial Day theme of 'Union workplaces - safer workplaces'. A dedicated TUC

webpage for the 28 April event says reps should consider a range of activities including getting their employers to allow some form of recognition of the day, for example a one minute's silence to remember anyone who has died at the workplace. Other bright ideas, used successfully by unions in previous years, include asking local councils and other public bodies to fly official flags at half-mast. Alternatively, activities could include contacting the local press; organising a local meeting on health and safety and the need for more corporate accountability; and planting a memorial tree in a public place, putting up a plaque, or dedicating a sculpture, a piece of art, or a bench to workers who have been killed at the workplace.

- [TUC Workers' Memorial Day webpage.](#)
[Hazards webpage on Workers' Memorial Day worldwide.](#)
- Order your Workers' Memorial Day posters (free), 'forget-me-knot' ribbons (£25/100) and 'Union workplaces are safer workplaces' car stickers (£1 each) from the [Hazards Campaign](#) online or from [Hazards Campaign](#), c/o GMHC, Windrush Millennium Centre, 70 Alexandra Road, Manchester M16 7WD. Tel: 0161 636 7557.

OTHER NEWS

Cockler gangmaster gets 14 years

A gangmaster who left 21 cockle pickers to drown in rising tides at Morecambe Bay has been jailed for 14 years. Chinese-born Lin Liang Ren, 29, from Liverpool, was convicted at Preston Crown Court of manslaughter. The gangmaster, girlfriend Zhao Xiao Qing and cousin Lin Mu Yong were also convicted of facilitation - helping cocklers to break immigration laws. Lin Mu Yong, 31, was sentenced to four years and nine months. Zhao Xiao Qing, 21, got two years and nine months. Passing sentence, Mr Justice Henriques said Lin Liang Ren had “cynically and callously”

exploited his countrymen and women and provided them with dreadful living conditions. He said the gangmaster had been motivated by avarice and displayed little regard for the safety of the cocklers. Lin Liang Ren had told a series of "spectacular lies" to authorities in a bid to evade justice and displayed complete indifference to the fate of the victims, the judge said. He sentenced Lin Liang Ren to 12 years for the manslaughter charges and six years for the facilitation charges, which he ordered should run concurrently. He jailed Lin Liang Ren for a further two years for the charges of conspiracy to pervert the course of justice, saying these should run consecutively. At least 21 people died off Hest Bank on 5 February 2004. The bodies of two others were not found.

- [Lancashire Constabulary news release](#). [HSE news release](#). [BBC News Online](#).
- [Hazards migrants webpage](#).

Morecambe Bay lessons must be learned, say unions

The lessons of the Morecambe Bay cocklepickers tragedy must not be forgotten, unions have warned. They are calling for rigorous enforcement of the new gangmaster regulations ([Risks 248](#)) and warn that extending safety laws must also be effectively enforced to protect all vulnerable workers. Speaking after the conviction of a gangmaster for the manslaughter of the Morecambe Bay victims, TUC general secretary Brendan Barber said: "The new gangmaster regulations which come into force soon should make it more difficult, though not impossible, for bosses intent on exploitation to continue to get away with such reckless treatment of workers." He warned however that "there is a danger that rogue operators will simply move into sectors of the economy that won't be covered by the new gangmaster regulations. Vulnerable workers need better protection, and combined with stricter controls over gangmasters, we need greater enforcement of UK safety law. With so few safety inspectors

out and about checking up on employers, it's still all too easy for a negligent boss to commit a safety crime and get away with it." TGWU general secretary Tony Woodley said: "This judgment is a correct one. Twenty-three people lost their lives because the employer they trusted ruthlessly put money-making before their safety. This conviction should send a clear message to gangmasters wherever they may operate that those who abuse the law and exploit their workers will be treated severely." He added that TGWU had played a leading role in changing the law to rein in rogue gangmasters. "We now look to the Gangmasters Licensing Authority to move forward from here and make full use of its powers to detect and prosecute any gangmaster in the food industry found to be mistreating his workers," he said.

- [TUC news release](#). [TGWU news release](#).

Firm fined for oil refinery blast

An oil refinery has been fined £14,000 after an explosion which left two contractors injured. It was "extremely fortunate" that nobody was more seriously injured in the blast and fire, a court heard. Total Lindsey Oil Refinery (TLOR) admitted health and safety offences at its site at Immingham, North Killingholme. Mike Nind, prosecuting for the Health and Safety Executive (HSE), told Grimsby magistrates that the explosion happened on 14 December 2004 in one of the 38 pontoons making up the floating roof of a giant crude oil storage tank measuring 72ft in height and 250ft wide. The tank split open, flames escaped and several workers were blown off their feet. HSE's investigation found that TLOR failed to adequately manage risks posed to workers carrying out maintenance on its behalf on the crude oil storage tank. "This was a serious lapse where basic safety precautions were not taken," said HSE investigating inspector Mike Nind. "It was extremely fortunate the workers escaped without serious injury." Commenting after the case, he said: "The incident could have been prevented by a number of simple and reasonably practicable

measures including improved awareness of the hazards and risks, proper supervision of work activities and better monitoring and auditing of safety critical tasks.” Total Lindsey Oil Refinery general manager Jean-Pierre Poncin said: “We want to apologise for what happened. The safety of our employees is our first priority and we have worked hard to support those affected and prevent such an incident happening again.” The company was fined £14,000 and ordered to pay £581.60 costs.

- [HSE news release](#). [Grimbsy Telegraph](#).

Workplace smoking ban takes effect in Scotland

A UK first official smoking in public places has come into effect in Scotland. First minister Jack McConnell said the ban, which became law on 26 March and which also covers bars and restaurants, was Scotland's “largest single step to improve its health for generations” and a day of pride for the nation. Health minister Andy Kerr said: “As a smoke-free nation Scotland can look forward to a healthier future.” Dr Peter Terry, chair of BMA Scotland, said the day would be remembered as “the time Scotland took a bold and politically courageous step.” He added: “For years, Scotland’s pubs, restaurants and workplaces have been filled with deadly smoke which has contributed to thousands of deaths from cancer, heart disease and stroke. Let us not forget that this legislation has been put in place to protect the public and employees from the hazards of secondhand smoke. Economic arguments around loss of trade are not proven and raise the question over what value employers place on the health and life of their employees and customers.” Individuals who flout the legislation face a fixed penalty of £50. The manager or person in control of any no-smoking premises can be fined a fixed penalty of £200 for either allowing others to smoke there, or failing to display warning notices. Refusal or failure to pay the fine may result in prosecution and a fine of up to £2,500.

- [Scottish Executive news release](#). [Clearing the air Scotland](#). [BMA Scotland news release](#). [BBC News Online](#).
- [Hazards smoking news and resources](#).

Bosses urged to listen to new noise rules



The Health and Safety Executive (HSE) is reminding employers that the Control of Noise at Work

Regulations 2005 come into force on 6 April, replacing the existing regulations. The new rules put the emphasis on identifying measures to eliminate or reduce risks from exposure to noise at work rather than simply relying on hearing protection, although this may also be needed in the short term. HSE chief executive Geoffrey Podger said over 1 million employees in Great Britain are exposed to levels of noise which put their hearing at risk, adding the new regulations introduce a reduction in the acceptable noise levels at work. “The action values have gone down by 5 dB and there is a welcome focus on noise control rather than just taking measurements,” he said. “Employers should consider changes of process, engineering controls, changes of workplace lay out, or controlling the amount of time individuals spend in noisy areas. Full compliance with the new regulations would over time eliminate occupational noise-induced hearing loss.”

- [HSE news release](#). [HSE noise webpage](#) and simple guide to the regulations [[pdf](#)].

Petition calls for global asbestos ban

An international petition is aiming to promote the union-driven campaign for a global asbestos ban. The petition will be presented to key

international agencies on 28 April, International Workers' Memorial Day. Petition organiser, Laurie Allen of the International Ban Asbestos Secretariat, said she hopes it will attract 10,000 signatures. She added: "On April 28, we will make sure this document is sent to major international bodies such as the United Nations, the International Labour Office (ILO), the World Health Organisation (WHO), medical associations, trade bodies and others." The petition includes this pledge: "In the spirit of humanity and equality, we declare that each human being has the right to live and work in a healthy environment. It is not acceptable that a substance which is too harmful to be used in the European Union is used in Asia, Africa and Latin America... a global asbestos ban is the first step in the campaign to rid humanity of the threat it faces from asbestos. To end the asbestos scourge, we pledge our commitment to work together to achieve our goal. The struggle continues!"

- [Sign the petition. International Ban Asbestos Secretariat.](#)

INTERNATIONAL NEWS

Australia: Union prosecutes bank for not deterring robbers

An Australian bank has been forced to cough up Aus\$145,000 (£59,000) in fines after a union took it to court for leaving workers at risk from violent robbers. Three Westpac staff members were left fearing for their lives when a gang of armed criminals leapt over 'anti-jump barriers' at a branch in September 2004. The Financial Sector Union (FSU) had repeatedly warned Westpac about gaps in the barriers before the incident. "To Westpac we wrote 23 times to get the problem fixed," said FSU secretary Geoff Derrick. "No worker should have to put up with coming into work and facing these risks." It was the union that brought the prosecution, which resulted in a guilty plea from the bank. "After Westpac failed to take the necessary and obvious steps to protect the staff the need for us to act

was clear," said Derrick. "We had to prosecute Westpac and in that way send a clear message that staff safety must be the first priority every time." FSU said that while Westpac had failed to find the money required for essential safety measures, it had found considerably more to fund Business Council of Australia lobbying efforts for weaker employment laws. "It is a pity that Westpac seems more attracted to the extreme industrial laws of the Howard government rather than the best interests of Westpac staff," Derrick said. FSU is investigating other suspected breaches of Westpac's duty of care where staff have been left traumatised. Half of the fine from the current case will be paid to the official Workcover Authority and the balance to the union.

- [FSU news release. Workers Online.](#)

Australia: Trucking firm fined for fatal fatigue smash

An Australian trucking company that admitted it placed lives at risk by allowing a fatigued driver to work has been fined Aus\$130,000 (£53,000). Four people died when Brett Leo Foster's truck ploughed into their cars. Foster had smoked marijuana, was fatigued and had been driving for 17 of 24 hours when his truck smashed into a row of stationary vehicles in October 2001. He was jailed for at least 6½ years after pleading guilty to four charges of culpable driving in 2002. His employer, Allbulk Landscape Supplies, pleaded guilty to one count of failing to maintain a safe working environment and one count of failing to ensure that non-employees were not exposed to health and safety risks. Judge Frank Shelton said the company did not have a proper system in place to ensure that drivers did not exceed legal driving limits and drive when fatigued. He told the court he was sentencing Allbulk for the workplace breaches, not for the horrific consequences of those breaches. Kay Dunn, whose mother Ella was one of those killed in the smash, said the fine was not enough to act as a deterrent for other trucking companies. She said she would push for an appeal.

- [The Age](#).

France: Work diseases are growing

Working conditions in France have deteriorated in recent years, according to an official survey, with occupational diseases now on the increase. Survey results presented on the European Foundation website point to a “generally deteriorating” situation with work now blamed by workers for 20 per cent of all health problems. The report says “the organisation of work has become increasingly complex and controlled, characterised by a higher pace and rate of work, more repetitive work, and an escalation in psychological pressure and stress. Moreover, work has become increasingly strenuous and workers tend to be more exposed to risks arising from their job.” It adds: “While there has been an overall decline in the number of industrial accidents, there has been a steady rise in occupational illnesses.” Figures released this week suggest that 8 per cent of cancers in France are due to exposure to hazardous agents at the workplace. The study concluded that 15,000 people die each year from occupational cancer. The UK’s official work cancer estimate, 6,000 deaths a year, has been criticised by TUC as a gross under-estimate, with the real toll likely to be closer to the French total ([Risks 234](#)). Surveys have shown near identical numbers of workers in France and the UK have significant exposures to workplace cancer risks.

- [A review of working conditions in France. REHS news report.](#)
- Hazards [work diseases](#) and [cancer](#) webpages.

Philippines: Unions push for better mines safety

Unions in the Philippines are demanding improved mine safety laws. The Trade Union Congress of the Philippines (TUCP) has vowed to push for “improved protection” for the

country’s estimated 126,000 mining industry workers. TUCP secretary-general Ernesto Herrera said: “While government, industry and religious leaders debate on the need to re-examine the contentious provisions of the Mining Act of 1995, there are thousands of mine labourers at grave risk day in and day out due to inadequate protective measures at work.” He added: “Of great concern to us is the need for mining companies to raise the quality of their rescue training.” Herrera also stressed the need for mining companies to apply the same standards worldwide. “A mineworker, whether tunnelling in the Philippines, the US, Canada, Mexico, Australia, Papua New Guinea, South Africa or Peru, should have the same protective gear and the same safety and survival training,” Herrera said. Reports say there were at least four major mining accidents in the Philippines from 2003 to 2005. In December 2005, eight miners were killed in a methane gas explosion at the Ibalong coalmine in Dalaguete, Cebu. Earlier, President Arroyo agreed to have the country’s mining law “reviewed and possibly amended,” apparently bowing to pressure from Catholic Church leaders. Church officials have been pushing for the cancellation of all mining concessions for “degrading the environment.”

- [The Manila Times](#).

Spain: Special prosecutor for safety criminals

A special public prosecutor has been appointed in Spain to pursue workplace health and safety criminals. Juan Manuel Oña Navarro’s national role will involve coordinating and promoting public prosecution of occupational health and safety related crimes. This Spanish government says the initiative is part of a general toughening of its approach to workplace safety crimes. Every year about 1,000 Spanish workers die in workplace fatalities and approximately 15,000 die as a consequence of work-related diseases. In the UK, where Health and Safety Executive inspectors usually prepare the prosecution case, time consuming court work diverts resources from inspection and enforcement. HSE prosecutions have fallen dramatically, down to

just 712 in 2004/05. Convictions have also fallen.

- [REHS news release.](#)

Sweden: Work hurt one in four last year

One in four employed persons in Sweden suffered from a work-related disorder in 2005, according to official figures. Latest survey results reveal that 28 per cent of women and 22 per cent of men stated they had experienced work-related disorders during the last 12 months, with the overall workforce figure at 25 per cent. The findings suggest the contribution from workplace and commuting accidents is low in comparison to other causes such as strenuous working postures, heavy manual handling, repetitive work, mental stress, harassment and violence. While accident rates have fallen steadily since 2000, work-related diseases are increasing and are resulting in more sick leave. The percentage of employed men and women taking sick leave due to work-related disorders increased between 1996 and 2005. Some 11 per cent of all employed women and 7 per cent of all employed men went on sick leave in 2005 due to work-related disorders. Few of the employees with work-related disorders state that any measures have been taken to improve working conditions. Just 7 per cent of men and 9 per cent of women report that their work duties have been changed because of their problems. The working hours for 3 per cent of men and 5 per cent of women have been reduced. About 2 per cent of both men and women state that they have been transferred within the organisation and around 3 per cent have left the company. Sweden is the one EU country the UK authorities concede has a better health and safety record. However, HSE's official estimate of work-related ill-health, which suggests the UK level is one-fifth that reported in the Swedish study, has been criticised for systematically under-estimating real risks and overlooking some conditions entirely ([Risks 232](#)).

- [REHS news release.](#)
- [What's wrong with the UK's work sickness estimate?](#)

RESOURCES

GOSH, look at this!

GOSH The TUC's gender and occupational safety and health (GOSH) webpages have been updated. You can just take a look or you can add your experiences, news, resources and views on a special discussion board at www.tuc.org.uk/gender

- [TUC GOSH webpages](#) and [discussion board](#).

USA: Health care injuries damaging health care

A severe shortage of healthcare workers in the US is likely to get much worse unless something is done to help nurses and other healthcare workers safely lift patients without suffering injuries and chronic pain, according to new research. The union AFT Healthcare said its survey is the first to expose the problem of career-ending injuries. "Imagine lifting 200 pounds or more of dead weight by yourself several times a day. That's a typical day for nurses and x-ray techs, and it's becoming unbearable," said Candice Owley, chair of AFT Healthcare. "Construction workers use cranes, package delivery personnel use dollies, yet most healthcare workers are on their own and getting hurt." The survey of 509 nurses and 404 radiology technicians found that 56 per cent of the nurses and 64 per cent of x-ray techs have suffered lifting-related injuries, chronic pain or both. In addition, nearly half the nurses and nearly a third of the x-ray techs said they were considering leaving patient care because of injuries or chronic pain. Some hospitals have invested in lifting equipment, Owley said, but many workers don't use it because it doesn't

meet their daily needs or is inconveniently located.

- [ATF news release](#), full results [[pdf](#)] and [video clip](#). [Asbury Park Press](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR JANUARY TO MARCH 2006

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

COURSES FOR APRIL TO JULY 2006

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

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 CO10 2WA. Tel: 01787 881165; fax: 01787 313995