



# Risks Newsletter



Number 258 – 27 May 2006



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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

## TUC plan to help disabled people into work

Far too few disabled people who want to work are being recruited by employers and too many disabled employees, including workers who become disabled after being injured at work, are losing their jobs, according to a TUC report. 'Jobs for disabled people', published this week to coincide with the annual TUC disability conference, features a three point plan on how more disabled people can be helped to keep their jobs or to find suitable employment. It says that a combination of preventive safety measures, encouraging employers to make more of an effort to hold on to disabled employees and specialist employment advice to disabled jobseekers would make a real difference to the employment rate of disabled individuals. Every year thousands of people are injured at work, but because so few UK employers have proper rehabilitation policies, many employees are never able to return to work again, said the report. It added that as well as working with employers to improve health and safety and prevent debilitating injuries from occurring in the first place, the government should remind employers that under the Disability Discrimination Act they can be taken to court and fined for treating disabled employees or job applicants unfairly. TUC general secretary Brendan Barber said: "When recruiting staff, many employers simply ignore job applicants with a history of long term sickness or who are on Incapacity Benefit." He added: "The national rolling out of the Pathways to Work scheme should increase the numbers of disabled people who are helped into work, and making employers work harder to keep staff who become ill or who are injured at work on their books would also make a real difference."

- [TUC news release.](#)
- [TUC rehabilitation webpages.](#) [Hazards work and health webpages.](#)

## Editor wins £37,500 RSI damages

A Guardian newspaper night editor who says she was refused access to the company physiotherapist after developing crippling elbow pain has been paid £37,500 in damages for repetitive strain injury (RSI). Andrea Osbourne, who had been a casual at the paper for two and a half years, worked almost exclusively using a mouse, at speed, for an average nine hours a night, and up to 45 hours a week, without a break. No risk assessment was carried out when she started the job in February 2001. By May 2002 she had developed debilitating stiffness and pain in her right elbow. Her GP diagnosed RSI and advised her to seek help from her employer. However, Ms Osbourne said a request to see the company physio was refused. She added that requests for a workplace assessment were ignored by the health and safety department, and a risk assessment, which was eventually carried out by the editor's PA, did not cover mouse usage. In March 2003, the pain had become constant and she was unable to continue working. She was told by a hospital consultant that she would never be able to do that type of work again and was advised to seek an alternative career. She said: "The Guardian showed absolutely no sympathy. Because I was employed as a casual and didn't have a permanent contract, they refused my requests for physiotherapy and made no attempt to find a way for me to work which would have reduced the repetitive strain in my elbow. The paper has all but ended my career in website editing and production." Marion Voss of NUJ lawyers Thompsons said: "When so much is being talked about by HR professionals and the insurance industry about the importance of rehabilitation, that the paper refused Andrea treatment that might have enabled her to keep working is disgraceful. Instead the paper denied liability and we were forced to get an ergonomist report to support Andrea's case. Still the Guardian did not settle the case until close to the trial date."

- [NUJ news release.](#) [Press Gazette.](#)

## Asda Wal-Mart faces dangerous workload

**attack**

Asda Wal-Mart workers are being asked “to work themselves to death”, a union has charged. GMB Scotland has called on the management at Asda Wal-Mart’s Grangemouth distribution depot to end unsafe practices which it says last week led to a serious accident with a truck. GMB says the company has a “job and finish” regime and high work targets that encourage unsafe work practices. A driverless truck at the warehouse crashed last week after the ‘dead man pedal’ had been jammed on by a worker rushing to meet high box picking targets ([Risks 245](#)). GMB says Asda Wal-Mart has used the introduction of radio frequency voice picking at the Asda Wal-Mart distribution warehouse at Grangemouth to increase the daily pick rate to 1,400 boxes per person. The union contends that the safe pick rate is no higher than 1,100 per shift. Even at the 1,100 pick rate each worker would move between 2 and 10 or more tons of products each day. GMB is urging the company to submit the matter for arbitration to a panel of experts that can adjudicate on an efficient and safe method of working in line with each worker's individual capabilities. GMB organiser Ian King said: “Asking ASDA workers at Grangemouth and Falkirk to shift 1,400 boxes a day is equivalent of asking them to workout in a gym for eight hours a day, every working day. It is equivalent of ASDA asking their staff to work themselves to death.” He added: “The introduction of a safe and healthy work rate at all Asda Wal-Mart distribution depots is one of the issues covered by the imminent national GMB strike ballot at the company. As well as collective bargaining and the non-payment of the 2005 bonus this issue ranks very high in our members concerns.”

- [GMB news release.](#)

**RMT says Tube must reinstate axed safety jobs**

Tube union RMT has warned it will be in dispute with both London Underground and

Metronet if safety-critical ‘lampmen’, unilaterally removed by Metronet from track inspection work, are not re-introduced this week. Lampmen, who provide lighting for inspection of particularly vulnerable stretches of track, were introduced following the Camden Town and Hammersmith derailments in 2004, but were removed by Metronet without consultation or agreement earlier this month. RMT general secretary Bob Crow said: “I walked the track with Tim O’Toole after the Hammersmith derailment and it was agreed then that lampmen were necessary because there was simply not enough lighting to undertake adequate inspection without them.” He added: “Absolutely nothing has changed since then, yet Metronet have seen fit to withdraw them despite protests from our senior health and safety reps. Calling for the return of lampmen, Bob Crow warned on 22 May “that unless they are re-introduced within seven days we will be in dispute with both companies.”

- [RMT news release.](#)

**Bloody shambles slammed after video syringe attack**

TV union BECTU has condemned Babyshambles frontman Pete Doherty for squirting the contents of a syringe at a camera during an interview. The incident happened during an interview on MTV’s Overdrive programme, when a syringe of what is believed to be Doherty's blood was squirted towards the camera and had to be wiped from the lens. The interview was subsequently broadcast. The union has written to MTV seeking assurances about the health and safety of crews in these circumstances and have questioned whether the interview should have continued given Doherty's behaviour. BECTU said all crews should have the necessary training and equipment to deal with an incident of this nature involving blood. BECTU national official Nigel Mason said: “This incident was completely unacceptable by any standards. Pete Doherty's behaviour showed a complete disregard for the welfare of a film crew who were simply doing

their job.” He added: “No working person should have to be subjected to such disgusting behaviour or to have their health potentially compromised in this way. Broadcasters including MTV clearly have to decide in the light of this incident whether it is appropriate for them to offer this individual further publicity.” Press reports say Babyshambles have been dropped by their label Rough Trade Records as a result of the incident.

- [BECTU news release](#). [MTV Overdrive](#). [The Sun](#). [Yahoo News](#). [The Scotsman](#).

### **Asbestos protesters demand their jobs back**

Hundreds of construction workers believe they have been sacked over a safety dispute. The group of contractors are building new terminals to hold liquid natural gas at South Hook, near Milford Haven, in Pembrokeshire. They walked out last week over concerns that asbestos was being removed from the site. Despite agreeing to go back to work, they were barred from the site earlier this week. A group of more than 200 originally walked out just under two weeks ago, when they learned asbestos was being removed from the site. After consultation with the Environment Agency and the Health and Safety Executive and receiving safety assurances, the workers agreed to return to the site on Monday, but were then told they had already lost their jobs, as they had not turned up at 7am as demanded by their employers. GMB shop steward Doug Corbett said: “This is no longer about safety. That's been resolved. This is about us wanting our jobs back. We don't feel we've been treated fairly in this at all.”

- [Western Mail](#).

### **New partnership attacks shop violence**

Retail union Usdaw has pledged its support for a series of free workshops to help small businesses

and shopworkers work free from physical violence and verbal intimidation across Nottinghamshire. Usdaw has been running a hugely successful Freedom From Fear campaign designed to reduce the 20,000 physical assaults on shopworkers in the UK and says it is an enthusiastic supporter of partnerships to deter violent offenders across the county. The union has now joined with other agencies including Nottinghamshire Police, local councils and the Health and Safety Executive (HSE) to offer six free workshops across the county providing practical advice to small businesses and their employees. Usdaw deputy divisional officer Ron Hemming said: “We’ve been pioneers of multi-agency working so these open workshops will bring together expertise from a number of different groups and we’ve found that people talking to each other and sharing experiences is highly effective in passing on the best methods to defeat mindless thugs.” He added: “Ushaw will be making sure the voice of shopworkers who are on the frontline is heard but we believe that improving security can be done cheaply but very effectively... This is a problem that can only be solved by every stakeholder in retail working together reminding customers that verbally abusing a shopworker is always wrong and that we all have a zero tolerance stance on physical abuse.”

- [Ushaw news release](#).

### **Attack continues on falling safety inspections**

TUC’s warning last week that the Health and Safety Executive (HSE) must reverse a dangerous and dramatic reduction in workplace safety inspections ([Risks 257](#)) has received backing from unions and safety professionals. Scottish Trades Union Congress (STUC) health and safety officer Ian Tasker said the 25 per cent reduction in inspections over three years “is quite clearly an indication that the Health and Safety Executive is applying inspection resources in other areas rather than frontline enforcement.” He added: “Any other interventions in workplaces by the HSE other than enforcement

should not be at the expense of inspections, the key tool in protecting workers' safety, but through provision of additional resources". He said it was "even more concerning" that the massive reduction only came to light as a result of a series of Freedom of Information requests by the TUC-backed safety journal Hazards, with HSE initially denying it had the relevant data. Neil Budworth, president of the safety professionals' organisation IOSH, when quizzed about the TUC-backed report on BBC Radio 4's Today Programme, said: "Some companies really need to be coerced in order to take health and safety seriously. IOSH would like to see something like a doubling of the number of inspectors out there on the streets." Other "regulatory contacts" by HSE have also fallen dramatically. In the Lords, Lord Harrison this week asked the government to respond to the findings of The Hazards report. A written reply is expected next month.

- [STUC news release](#). [IOSH news report](#). [Evening Standard](#). [The Guardian](#). [Financial Times](#). [Federation of Small Businesses](#).
- Full report: [Sure, we'll be safe: HSE is walking away from inspections](#), Hazards, number 94, Summer 2006.

### **Disbelief as Balfour Beatty challenges safety fine**

Rail union ASLEF has responded angrily to Balfour Beatty's court challenge to the £10m fine imposed last year for its part in the October 2000 Hatfield train disaster in which four people died and 102 were injured ([Risks 257](#)). ASLEF's national organiser Andy Reed said he was "almost speechless" at the "outrage". Commenting on the company's appeal last week at the Court of Appeal, he said: "Most astonishing of all was the company's claim that the size of the fine had not taken into consideration the fact that it pleaded guilty at the original trial." He added: "The only reason they pleaded guilty was because they were guilty and they had no defence. It is a mark of the

company's approach that the deaths and traumas it caused to rail workers and passengers are clearly secondary to financial considerations. Shame on them." The company's failure to abide by safety rules was described by an Old Bailey judge at the original trial in October 2005 as "one of the worst examples of sustained industrial negligence in a high risk industry I have ever seen" ([Risks 228](#)).

- [ASLEF news release](#).

## **OTHER NEWS**

### **Report unearths hidden work sickness crisis**

A new report from the Health and Safety Executive (HSE) suggests levels of work-related ill-health, injury and exposure to hazards could be much higher than earlier official estimates suggest. The report found over three quarters of all workers have workplace health and safety concerns. The Workplace Health and Safety Survey (WHASS) conducted between August and December last year surveyed 10,016 workers. The survey suggested a level of work-related ill-health more than double that estimated by the Labour Force Survey (LFS) and injuries requiring four or more days absence from work about 40 per cent higher. The HSE's new WHASS report says the 26 per cent response rate could have introduced "response bias" leading to an over-estimate of the problem. However recent reports have suggested the LFS figures, which HSE uses as the benchmark for its occupational health estimates and strategy evaluation, is itself a massive under-estimation of the true risk ([Risks 232](#)). The WHASS survey of workers found just over a fifth of British workers (22 per cent) are concerned about work-related stress, the most prevalent problem. Less than a quarter (23 per cent) of those surveyed had no health and safety concerns. TUC head of safety Hugh Robertson welcomed the report and said he would now be asking HSE to review its plans for tackling workplace ill-health. "This report confirms what many people have said all along - occupational

ill-health is a much bigger problem than HSE's earlier estimates have indicated," he said. "The result is that the response has not reflected the scale of the problem or met the needs of those affected. We must remember that all these illnesses are preventable and we hope the HSE will work with unions and employers to devise an urgent and effective preventive strategy."

- [HSE news release. WHASS webpage.](#) Workplace Health and Safety Survey Programme: 2005 Worker survey first findings report [[pdf](#)]. November 2005 Employers' survey [[pdf](#)].
- [Hazards criticism of the LFS under-estimates and work and health webpages.](#)

### Insurers call for tax breaks for work rehab

The body representing insurers has called for new tax incentives to improve the UK's poor record on rehabilitating employees who are injured or fall ill in the workplace. ABI said last year 28 million working days were lost to work-related illness costing businesses up to £13 billion a year. In addition, 2.7 million people claim Incapacity Benefit, costing the taxpayer £7 billion a year. Yet only 12 per cent of UK employers provide any form of rehabilitation programmes for their employees. As part of a package of measures to boost care for ill and injured workers, the ABI is calling for a new tax credit to reward employers who provide rehabilitation programmes. It says rehabilitation should not be deemed a tax benefit for employees and should qualify for tax relief for employers. ABI's Justin Jacobs said: "Britain has one of the worst records on treating workplace ill-health of all industrialised nations. The ill, injured, their families, and businesses all pay the price through financial strain and lost productivity. Insurers are doing much to develop rehabilitation products, but we need to encourage greater employer take up, and get government to lead in promoting greater rehabilitation." TUC head of safety Hugh Robertson commented: "The TUC echoes the

call from the ABI that the government should not tax access to rehabilitation. Given the government's commitment to developing rehabilitation services, it is wrong that those employers who provide them should have to be taxed on this."

- [ABI news release.](#)

### Cancer warning from bladder cancer widow

The widow of a process worker who died from bladder cancer caused by exposure to workplace chemicals is urging other at risk workers to seek immediate medical attention. Douglas Taylor worked for the Castleford company, Hickson and Welch, between 1961 and 1990 during which he came into contact with aromatic amines. Freda Taylor this month won a five-year compensation battle following the death of her husband in May 2001, receiving an out-of-court settlement. Exposures to aromatic amine fumes were extremely common amongst the men who worked in the reduction area of plant. In Mr Taylor's medical records are recorded instances of him attending hospital after being overcome by fumes. The first occasion was in 1971 and the second occasion was in 1973 when he was kept in hospital overnight. Mrs Taylor said the settlement "marks the beginning of a campaign by me to ensure that other families don't endure the pain and suffering that my husband and my family have gone through. My plea to anyone who worked at Hickson and Welch is to contact their GP and ensure that they are screened, both now and on a regular basis. This cancer can lay dormant – as it did with Dougie – and many of these men are potentially sitting on a timebomb that can end their lives." Marion Voss of Thompsons Solicitors, who represented Mrs Taylor, said: "The fact is that hundreds of workers have been exposed to these chemicals and their chances of getting cancer are increased. Mrs Taylor has paved the way with her fight for justice. As well as ensuring that workers are now properly screened, we must ensure that victims are adequately compensated for illnesses they develop."

- [Thompsons Solicitors news release.](#)
- [Hazards cancer news and resources.](#)

- [DWF news release.](#) [Personnel Today.](#)

### **HSE setback in unforeseeable risks case**

Employers should not be found negligent on health and safety grounds when employees are acting outside their remit, the Court of Appeal has ruled. The decision is a setback for the Health and Safety Executive (HSE), which had argued that employers should be required to take reasonable steps against unforeseeable risks and that negligent actions by employees are irrelevant to the guilt of an employer. The ruling came in a case in which two workers employed by engineering firm HTM Limited died on the A66 near Scotch Corner after equipment they were using came into contact with an overhead electricity cable. HSE is prosecuting HTM and appealed on two points of law, relating to whether the 'foreseeability' of events and the actions of employees can be used in an employer's defence. HSE argued it was irrelevant that the company could not have foreseen what was going to happen and that the accident was caused by the employees acting outside their remit, ignoring their training and acting contrary to warning signs on the work equipment. Steffan Groch of DWF Solicitors, which represented HTM, said: "The Court Of Appeal has come to the right conclusion in its analysis of the law. To view matters otherwise would be to drive a cart and horse through long-accepted good practice in health, safety and risk management." An HSE spokesperson told Risks the case would be referred to the Lords. "While the Court of Appeal found against the prosecution on two points of law it acknowledged that these are important issues and as a result, certified two questions as being of particular public importance that might now require the consideration of the Judicial Committee of the House of Lords," he said. "HSE therefore intends to invite the House of Lords to look at those questions and to provide definitive guidance."

### **Driver crushed while repairing bus lights**

A London bus driver was crushed to death after a "bendy" bus rolled into him, an inquest has heard. Michael Hallinan, 54, was trying to fix brake lights in his vehicle when a colleague in the bendy bus pulled up to help. Southwark Coroner's Court heard John Hind did not put the handbrake on as he left the cab and the bus juddered seven feet forward into Mr Hallinan. In a statement read to the court Mr Hind said he got out of his bus to help Mr Hallinan. After taking "two of three steps" he heard the bus shudder and roll forward. He climbed back into the bus in a bid to apply the breaks but the vehicle crushed Mr Hallinan. Coroner John Sampson recorded a verdict of accidental death. Although Mr Hallinan was killed while working, his death will not be included in the Health and Safety Executive's work-related fatalities column - in fact it will not be acknowledged as a work-related fatality at all. It will be recorded as a road traffic accident.

- [This is local London.](#)

## **INTERNATIONAL NEWS**

### **Australia: Union warning on dangerous laws**

Australian unions have renewed their warning that industrial relations (IR) laws introduced this year will undermine workplace safety. The alert from the national union federation ACTU and Australia's biggest mining unions the AWU and the CFMEU came in the aftermath of the Beaconsfield disaster, in which one gold miner died and two were trapped underground for 14 days ([Risks 256](#)). The unions are urging federal workplace minister Kevin Andrews to lift a ban on workplace agreements which allow workers

access to union occupational health and safety training. At a joint press conference, AWU national secretary Bill Shorten, CFMEU president Tony Maher and ACTU president Sharan Burrow said the government's ban on union health and safety training could lead to an increase in health issues, accidents and even deaths. ACTU president Sharan Burrow said: "As workplace minister, Kevin Andrews' job should be to improve workplace safety, not make it worse. This issue is in the minister's hands. It is in his power to remove the ban on union safety training immediately - today. If he has an ounce of decency that is exactly what he would do." The national government's new IR laws ban workplace agreements that provide for union health and safety training, specifically outlawing provisions to attend union training or receive paid leave for any union activity. Unions asking for union safety training in a workplace agreement face a Aus\$33,000 (£13,200) fine. Individuals seeking inclusion of a union training clause in an agreement can be fined up to Aus£6,600 (£2,650).

- [ACTU news release](#). [Workers Online](#). [Courier-Mail](#). [The Australian](#). [Yahoo News](#).

### Canada: Campaigners refute "safe" asbestos myth

International health and environmental authorities have refuted industry claims about the supposed safety of Canadian chrysotile (white) asbestos, and have warned about the proliferation of industry spin dressed up as scientific evidence. MiningWatch Canada, Occupational Health Clinics for Ontario Workers, and three national trade unions paid for a two page spread in the Hill Times newspaper presenting their case. The article was timed to coincide with a 23-24 May conference in Montreal, organised by asbestos industry lobby groups the Chrysotile Institute and the International Chrysotile Association. The campaigners say the event has been heavily subsidised by asbestos companies and the Canadian and Quebec governments. They add

that the industry defence of chrysotile is out of step with all the major international agencies, including WHO, IARC and ILO, who all say chrysotile is a potent killer. The groups conclude: "Canadians should be ashamed of the duplicitous role our government is playing in promoting an industry that spreads death and destruction all over the globe." They add: "It was the Canadian government that initiated a legal action at the World Trade Organisation against the French national ban on asbestos. It was Canadian officials who orchestrated the blocking of a United Nations proposal to impose minimal safeguards on the global trade in chrysotile in 2003 and 2004. Our country is increasingly being seen as a pariah nation by the growing number of people who know the real truth about asbestos – it is a killer fibre which has no place in 21st century trade and commerce. It should be banned at home and it should be banned globally."

- [MiningWatch Canada news release](#). Hill Times [[pdf](#)]. [IBAS report](#).
- [International Ban Asbestos Secretariat](#).

### Palestine: Unions act after IDF kills Palestinian driver

Global transport union federation ITF has demanded an Israeli government and military investigation following the fatal shooting of a member of the ITF-affiliated General Union of Transportation Workers in Palestine. The ITF has also received the assistance of the General Federation of Labour in Israel, Histadrut, which has sent an official letter to Israeli defence minister Amir Peretz, asking for an explanation of the shooting of the driver by Israel Defense Forces (IDF) soldiers. Zakaryia Hussian Abu Muhsen Daraghmah, a driver from the town of Tubas, was killed by IDF soldiers while working on 4 May. The General Union of Transportation Workers in Palestine contacted the ITF, asking for support. In a letter to the Israeli army, ITF general secretary David Cockroft requested an official investigation. The shooting was an

“extremely serious matter,” he stressed. “The ITF supports its affiliated unions' efforts to protect its members' rights to carry out their work without fear for their lives. As transport sector workers, this must include the ability to move in safety between Palestine's towns and cities,” Cockroft insisted.

- [ITF news report](#).

## RESOURCES

### Woodworking advice

The Health and Safety Executive has launched a webzone on woodworking health and safety. It says the new resource provides occupational safety and health advice for people working in the woodworking and furniture industries. Individual advice pages cover dust, machinery, manual handling, vehicles, noise and slips and trips.

- [HSE woodworking industry safety webpages](#).

## EVENTS AND COURSES

### Safety reps' conference, Doncaster, 3 June

The Yorkshire and Humber Trade Union Safety Reps Network's inaugural conference will take place in Doncaster on 3 June. Guest speakers include legal experts and a representative of HSE inspectors' union Prospect. Workshops include “dealing with intransigent employers” and “defending ourselves against detriment.” All trade union safety reps are welcome to attend.

- [Yorkshire and Humber Trade Union Safety Reps Network's inaugural conference](#), 1pm-4pm, Saturday 3 June 2006, Doncaster Trades and Labour Club, 115 St Sepulchre Gate

West, DN1 3AH. To book a free place contact [Keighley Worksafe Project](#) or phone 0845 458 2615.

### HSE/EEF noise and vibration roadshows 2006

A new round of HSE's popular noise and vibration roadshows, organised jointly with the manufacturers' organisation EEF, will take place during June 2006, in London, Bridgend, Sheffield and Warrington. Safety reps may want to brush up their knowledge on the new vibration regulations which took effect in July 2005 and the noise at work regulations which started to be introduced on 6 April this year.

- HSE noise and vibration roadshows [webpage](#) and flyer and booking form [[pdf](#)]. [Roadshow presentations](#). Dates and locations: London 16 June; Bridgend 20 June; Sheffield 22 June; and Warrington 27 June. Price: £150 plus VAT (£176.25).

### TUC courses for safety reps

#### 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/](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](#).
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