



Risks Newsletter



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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 13,000 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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TUC SAFETY REPS' SURVEY 2006

What's it like out there?

The TUC wants to find out what safety reps are up to. TUC's sixth survey of safety reps is designed to provide the TUC and individual unions with information about where their safety reps can be found, and about their experiences and needs. TUC says: "We need this information so that the TUC and unions can do more to help safety reps, and so that safety reps' views and experiences are better reflected in public policy debates and the work of the Health and Safety Commission." TUC adds the findings will inform TUC campaigns for better safety standards at work, including more rights for safety reps. Responses should be made before a 1 August deadline.

- [About the TUC Safety Reps Survey 2006.](#)
[Online survey form](#) – fill it out now!

UNION NEWS

Blair 'to change' asbestos ruling

Tony Blair says he is hoping to change a ruling that will stop bereaved spouses receiving full compensation for their partner's deaths from an asbestos related cancer. The TUC welcomed the announcement from the prime minister, made this week at a GMB conference in Blackpool, that the government hopes to overturn the recent Barker judgement on the amount of compensation payable to the victims of mesothelioma and their families. TUC general secretary Brendan Barber said: "If left to stand, this judgment would have meant that many victims of this dreadful disease would have either had to wait much longer for compensation, or have been denied their full entitlement." He added: "The government is to be congratulated for doing the right thing and we hope that legislation will be introduced soon to end the wait and anxiety of those who have

mesothelioma and their dependants." In May, the TUC expressed disappointment at a House of Lords ruling that reduced the compensation received by two widows - Sylvia Barker and Mary Murray - whose husbands died from mesothelioma as a result of coming into contact with asbestos at work ([Risks 255](#)). The prime minister said he hoped to make an announcement on his plans to change the House of Lords ruling in a fortnight. "I regret that judgment," he told the GMB conference. "I'm looking at the moment to see the best opportunity for us to change it."

- [TUC news release.](#) [BBC News Online.](#)
- [TUC asbestos webpages.](#) [Hazards asbestos news and resources.](#)

Broken leg payout after 8 foot fall

An Amicus member has been awarded an £77,178 payout after suffering a broken leg in a fall from a ladder. Alan Arthur, a moulding machine operator, fractured his shin bone when he fell from an 8ft ladder at Lectroheat Industrial Heating Limited's plant in Bedwas in March, 2004. Mr Arthur, 51, who was off work for eight months, was standing on one of the top rungs of the ladder to reach a pattern board when, as he attempted to step down, he missed his footing and fell. Trade union Amicus fought his case, arguing he should have been provided with either a longer ladder or a better system, such as a gantry, to access the boards. The company admitted liability in October 2004. Mr Arthur, who still works for the company, said: "Accidents happen, but when you've sustained a severe injury through no fault of your own it's important to seek compensation." Eamonn McDonough, Mr Arthur's lawyer at Thompsons Solicitors, said his client had suffered a very painful compound fracture and "is left with stiff movement of some bones in the ankle - arthritis is anticipated and an operation to the injured joint is likely." Bryan Godsell, Amicus regional officer, said: "We are delighted the case has been decided in Mr Arthur's favour." He stressed the

importance of protection for workers through membership of a trade union like Amicus.

- [South Wales Echo](#).
- [HSE falls webpages](#) and [Height Aware campaign](#).

World Cup is a bad bet for bookies' staff

Betting shop staff are facing a barrage of violence and abuse from irate punters, and unions fear the combination of extended opening hours and World Cup fever could make the sick behaviour worse. The Transport and General Workers' Union (TGWU) and Community, who together represent a significant number of workers in William Hill betting shops, have teamed up to offer a voice to cashiers and others who face the threat of attacks. Jennie Formby, TGWU national secretary, whose first job was with William Hill, said: "This organising campaign is to say to all William Hill staff that we can offer them a voice not just in the traditional way of negotiating on pay but importantly in terms of seeking to protect them from violent attack and excessive working hours." Community's head of organising, Christine Hardacre, said: "Nobody goes to work to be attacked and our members in bookies' shops are not to blame if a customer loses money." She added: "We believe it is right for staff to have a voice on these important issues. The World Cup will be a very profitable time for William Hill. It is time they invested to ensure that those who generated their profits are justly protected by proper investment and adequate risk assessments." The unions say automatic gambling machines in the shops have exacerbated the problem, with unsuccessful punters lashing out at the nearest available member of staff. "These machines can often take up to between £1,000 and £3,000 a day, which in a week would pay for the cost of providing a proper screen to protect our members," Jennie Formby said. "Yet there seems to be some reluctance by William Hill to interfere with the 'customer experience' as they call it."

- [TGWU news release](#).

Asda staff want less work not more beer

Asda Wal-Mart has been criticised by the union GMB for offering a crate of beer to workers at the Dartford distribution depot who up their workrate to a back-breaking 1,500 boxes per shift. The union has called on the management at the Asda Wal-Mart distribution depot to end unsafe and unhealthy work practices and is warning the company's beery tactics could lead to some workers breaching safety regulations in an attempt to meet unsafe and unhealthy work targets. GMB contends that the safe "pick rate" is no higher than 1,100 per shift. At the 1,100 pick rate each worker would move between two and 10 or more tons of products each day. GMB would like Asda Wal-Mart to submit the matter for arbitration to a panel of experts, which can then adjudicate on an efficient and safe method of working in line with each worker's capabilities. Jude Brimble, GMB national officer responsible for the Asda Wal-Mart distributions depots said: "The law requires ASDA Wal-Mart to pay workers with money not crates of beer. Asking ASDA workers at the depots 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." The union says the introduction of a safe and healthy work rate at all Asda Wal-Mart distribution depots is one of the issues covered by the current national GMB strike ballot at the company.

- [GMB news release](#).

Sacked for making a safety stand

GMB has called on the owner of the American Dry Cleaning Company, Julian Stone, to reinstate two workers who stood up against a long hours culture and poor working conditions and were sacked for their trouble. The workers

had joined the GMB in a bid to help improve safety and employment standards. GMB branch secretary Raj Gill told delegates at GMB's Blackpool conference the 85 strong, mainly female workforce of Polish migrant workers, are bullied and harassed into working up to 60 hours a week in potentially dangerous working conditions. GMB is seeking 'Interim Relief' for sacked worker Adil Qurban at a Watford Employment Tribunal within the next two weeks. Mr Adil and Mr Bala Kandasamy who lives in Brent were GMB's key activists in the company. Raj Gill said: "The migrant workers are bullied in to working long hours in appalling conditions, no health and safety checks and a management regime that would have been more akin to mill owners in the last century." He added: "GMB believes that Mr Stone is deliberately taking advantage of the fact that his workers are migrants with English not their first language. This company seem to believe that migrant workers have no rights at work whatsoever. He is wrong and GMB will educate him in the rights that his workers have regardless of their country of origin."

- [GMB news release.](#)
- [Hazards victimisation webpages.](#)

Train drivers condemn cab conditions

Train drivers have condemned degrading and dangerous cab conditions. Delegates at the ASLEF conference at Scarborough called for major improvements in cab conditions, with a procession of speakers complaining of excessive temperatures, poor ergonomics, inadequate ventilation and excessive noise levels across the rail system. Delegates made comparisons between the often dirty, uncomfortable and distracting conditions in cabs with the ever-improving state of their management's offices. The conference also agreed that ASLEF should call for agreements on needlestick hazards, with a demand for safe equipment and protection for drivers who tidy trains at the end of journeys. The union will also continue its campaign on

level crossing safety. "We heard a government minister yesterday talking about how much extra money has been put into the rail industry – but very little of it seems to have been diverted into safety," said one delegate.

- [ASLEF news release.](#)

Fire officer challenged on safety by union

A union has accused North Yorkshire's chief fire officer of forcing staff to take on supervisory roles without the training necessary to guarantee fire crew and public safety. Firefighters' union FBU said making firefighters work as untrained crew managers at stations and on emergencies was a "recipe for disaster". It said there was a severe shortage of properly trained supervisory staff and warned that industrial action could not be ruled out if the unsafe practices continued. Bob Blackburn, FBU executive council member for Yorkshire and Humberside, said the problem "is a major cause of concern in a safety critical service. It is caused by a severe shortage of properly trained supervisory staff." He added: "A supervisory officer will have been trained to assess all the risks faced by crews and will know what safety measures to take including how many fire engines are required, while a firefighter will not have been trained in this way, making mistakes inevitable. These are all safety critical roles which often need a snap decision, an integral part of a supervisory officer's training. A wrong decision could spell disaster for firefighters and the communities. It is unacceptable to be continuously putting people under stress and pressure by forcing them to do work they are not adequately trained for. It is a recipe for disaster caused by a shortage of properly trained staff and it cannot go on." He said: "Strength of feeling is so high we cannot rule out industrial action on this issue."

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

OTHER NEWS

“Grave concerns” about work inquest reform plans

Government plans to reform the coroners’ court system could remove a crucial workplace safety check, campaigners have warned. The changes announced this week by constitutional affairs minister Harriet Harman are largely uncontroversial and would give more rights to bereaved families. However, two changes in the draft Coroners Service Reform Bill - to reduce the number of people sitting on an inquest jury and to leave it to a coroner's discretion to convene a jury in cases of workplace deaths - have caused alarm. TUC head of health and safety Hugh Robertson expressed “grave concern”, adding “given the safety issues involved it is important that every workplace death should be scrutinised by a jury. This is important from both a preventive point of view, but also because of the assurances such an inquiry can give to the bereaved family.” Inquest co-director Deborah Coles said: “Juries perform a valuable function in alerting the public to issues such as health and safety breaches and we do not wish to see the use of juries reduced.” Critics say juries have been crucial in overturning official decisions not to prosecute, in prompting decisions by enforcement agencies to prosecute or in bringing unlawful killing verdicts (Risks 244). Last month, enforcement authorities including the Health and Safety Executive and Crown Prosecution Service (CPS) said they would reassess their decision not to prosecute after an inquest returned an open verdict into two worker deaths in a factory fire (Risks 257). Also this year, the family of a South Wales teenager found by an inquest to have been unlawfully killed at work announced it was to explore taking the CPS to court for failing to bring manslaughter charges (Risks 251).

- [DCA news release. Draft Coroners Service Reform Bill. BBC News Online. Inquest website.](#)

Shocking official statistics showing 1 in every 22 NHS staff has been assaulted are the “just the tip of the iceberg,” health care union UNISON has said. The new official figures showed that 60,385 NHS staff were physically assaulted by patients and relatives last year. Announcing the updated figures, health minister Caroline Flint said under new plans developed by the NHS Security Management Service, those who are threatening or abusive to NHS staff could be slapped with a £1,000 fine and NHS bosses will have the power to remove individuals from the premises. Patients and those needing treatment who behave in an anti-social manner will still be treated but later could face fines or be subject to criminal action. Commenting on the new violence figures, UNISON said many incidents of abuse and violence still go unreported. Karen Jennings, UNISON head of health, said: “These statistics show a shocking level of violence towards NHS staff. The personal safety of nurses, paramedics, doctors and health workers is paramount - no one should be made to work in an atmosphere of fear and violence.” Referring to the new government proposals, she said: “There is no magic solution to tackling violence in the NHS and the service needs a range of measures to protect staff. UNISON wants a zero tolerance approach towards abusive language, threatening behaviour and violence. The proposal to introduce a £1,000 fine and give the NHS powers of removal is therefore welcome.” She added: “A substantial fine would send out a strong message that threatening behaviour toward staff will simply not be tolerated and that those who abuse and threaten staff will have to face the consequences. UNISON would like to see health workers given the same legal protection as police officers with the introduction of a new crime - assault on a public sector worker.”

- [Department of Health news release. UNISON news release and related feature.](#)
- [Tackling nuisance or disturbance behaviour on NHS healthcare premises: A paper for consultation.](#) Closing date: 1 September 2006.

Government acts on soaring NHS violence

£600,000 for man crushed by truck

An adventure guide left paraplegic after a trucked toppled on him is to receive £600,000 compensation. Brian Thomson, 38, from East Lothian, sued his former employer, Exodus Travel, for failing to provide adequate equipment. The case was settled out-of-court. In 2001, Mr Thomson was taking a group of tourists from Nairobi in Kenya to Victoria Falls in Zimbabwe when his truck broke down. While he was repairing the vehicle it toppled over and crushed him. His injuries were so severe that he will never walk unaided again and will remain in a wheelchair for the rest of his life. His solicitor, Tracey Benson, from law firm Russell Jones and Walker, said: “He had no choice but to attempt to carry out an emergency repair of the suspension springs during this particular trip. Obviously, his lack of training and lack of proper equipment meant he had not adequately secured the truck on mounting blocks and when it slipped he was struck by the truck.”

- [RJW news release. BBC News Online.](#)
- [Hazards compensation webpages.](#)

Injured welder awarded six figure payout

A welder who tripped over metal tubing and smashed his elbow has been awarded £136,000 in damages. Wilson Graham, 52, took his employer to court claiming his injuries ruined his chances of getting a good job. Dundee-based Richard Lawson Autologistics admitted breaching workplace safety rules. The Court of Session in Edinburgh had heard how Mr Graham was working at the firm's Kirriemuir premises, overhauling a car transporter, when he fell. The company, which contested the amount Mr Graham was claiming for lost wages, also claimed he was partly to blame for not looking where he was going. Judge Lord McEwan heard that Mr Graham would have been made redundant 10 months after the accident. But

workmates told the court he would have found another welder's job if he had been fit. Lord McEwan said in a written ruling that Mr Graham was “held in esteem” by others well qualified to make an assessment.

- [Glasgow Daily Record. BBC News Online.](#)

White finger sufferer gets four digit payout

A Leeds man has been awarded a £7,500 compensation payout after he contracted the industrial disease vibration white finger (VWF). Barry Wallis, 47, was awarded the sum following a claim against Insituform Technologies Ltd, based in Wakefield. Equipment he used at work for more than 20 years, including Stihl saws, jigger picks, chainsaws and grinders, resulted in the onset condition, which is generally irreversible and which caused Mr Wallis' fingers to become affected by numbness, tingling and a weakness of grip. He said: “I first noticed problems with my hands around 10 years ago, when I developed a tingling sensation. This seemed to be worse in my right hand in which I also noticed numbness and a lack of feeling.” Mark Allen, of law firm Irwin Mitchell, represented Mr Wallis. He said: “Mr Wallis was never warned or advised about the dangers of vibration white finger or provided with any protective equipment. His symptoms continue to affect his ability to do his current job as a lorry driver, particularly when he has to unload in wet conditions. He has also noticed a loss of grip and strength in his forearms whilst weight training.” He added: “This case still highlights the importance of health and safety policies. Employers have a duty of care to their staff, which includes ensuring full protective equipment is provided so workers' exposure to risk is kept to a minimum.”

- [Irwin Mitchell Solicitors news release.](#)

Firm fined after work loses fingers

Failing to follow safety rules can be a costly and dangerous mistake, the Health and Safety Executive (HSE) has warned. HSE urged businesses not to save pennies by cutting corners on worker safety because they could face huge prosecution costs. The warning came after Northampton firm Crane Hill Engineering ended up in the dock after a work lost three fingers operating an industrial power press. The firm, which pleaded guilty to safety offences, was fined a total of £12,000 plus a further £2,300 costs by Northampton magistrates. The prosecution was brought after an 80 tonne power press was left without side guards and amputated three fingers from operator Robert John Galvin's hand. HSE inspector Peter Snelgrove said: "Companies need to realise that skimping on health and safety is a shortcut to tragedy and financial cost. A worker has been left with permanent disfigurement for the sake of a few minutes and a few pounds." He added: "The financial impact of prosecutions following injuries like this can be particularly difficult for smaller businesses, which can struggle to cover costs resulting from lost earnings, sick pay, sick leave cover, loss of output or compensation claims. In serious cases like this they also end up having to pay legal fees and court fines."

- [HSE news release](#) and [better business campaign](#).

Stressed workers 'turning to drink'

A growing number of workers are turning to drink to help cope with the effects of work-related stress, according to new research. A survey of 2,200 men showed that one in five had suffered from depression or experienced aggressive outbursts as a result of stress. The study, by vitamin firm Vitabiotics Wellman, revealed that one in three men hit the bottle to try to switch off from work. The survey found 17 per cent have been to see a doctor about their stress levels. More than a quarter of men are suffering from exhaustion as a result of stress and 38 per cent are dissatisfied with their jobs,

with a third feeling that their company rarely recognises their achievements. Professor Cary Cooper, professor of organisational psychology and health at Lancaster University, commented: "If you look at stress-related illnesses, such as heart disease, mental ill-health, immune system diseases, they are higher in men. Women probably have double the pressures of men but their rates of illness are lower because they have better coping strategies." He added that a range of workplace factors were exacerbating the stress: "Jobs are less secure than ever before, people are working longer hours and they are being micromanaged," he said.

- [BBC News Online](#). [The Guardian](#).
- [Hazards drugs and alcohol webpages](#).

Staff still forced to work excessive hours

Too many employees are still being forced to work long hours without appropriate rest, despite the growing evidence that this is bad for health and safety, according to the safety professionals' organisation IOSH. President elect, Lisa Fowlie, said the wranglings that continue to dog a decision on the opt-out from the Working Time Directive (Risks 260) meant that unscrupulous employers could "still apply unacceptable levels of pressure" on employees to work beyond the yearly average of 48 hours per week. She said: "IOSH would like to see a stop to those employers who bully or manipulate their staff into working long hours. The evidence is there that working long hours is bad for health and safety. Health and Safety Executive research has shown that working long hours can lead to stress and psychological problems. It's also not good for productivity - tired staff can't be expected to perform as well as fresh employees." She said: "Employers must also take their responsibilities to employees who sign the opt-out seriously. They must keep a close eye on these people, and the first signs of stress or another work-related illness or injury, take measures to reduce their workload and refer them to an expert for help. We believe this is the

only fair way to balance the needs of businesses with the safety of employees.”

- [IOSH news release](#).
- [Hazards getalife! webpages](#).

RESOURCES

Agency workers' health and safety

New HSE's guidance for managing the health and safety of agency workers has now been published on the Businesslink website. The online guide targets employers using agency labour, but provides useful general advice to anyone interested in the issue. Subjects covered include agency workers and health and safety duties, risk assessments, consultation and cooperation, information and training, monitoring safety practices and controlling working hours. There's also some useful links.

- [Businesslink agency workers health and safety guide](#).

Prevention communicable diseases at work

Canada's national union centre CLC has published a detailed online strategy guide to prevention and control of communicable diseases in the workplace. The resource outlines key "strategy directions" including investment in adequate staffing levels, with sufficient staff to cope with an outbreak, and new regulations where existing safety regimes are judged inadequate. Canada was hit by the recent SARS outbreak, with a number of health service staff treating sufferers also contracting the disease. At least one health worker died. Bird flu and other conditions have heightened concerns about communicable diseases and the workplace. The report covers risks posed by bacteria, viruses and moulds and fungi.

- [CLC news release](#) and full report [[pdf](#)].

- [Hazards infections webpages](#).

INTERNATIONAL NEWS

Australia: Work cancers massively underestimated

About 5,000 Australians a year develop cancer after being exposed to cancer-causing substances at work - more than twice as many cases as previously estimated. Research by the Queensland Cancer Fund and University of Sydney found 11 per cent of all cancers in men and 2 per cent of cancers in women were linked to occupation, prompting doctors to warn that occupational health and safety regulations may be failing to protect workers. The study, published on 13 June in the Australian and New Zealand Journal of Public Health, echoes TUC criticisms last year of the Doll-Peto paper which forms the basis of official work cancer estimates in both Australia and the UK (Risks 234).

Report co-author and head of epidemiology at the Queensland Cancer Fund, Lin Fritschi, said the Doll-Peto paper had significantly underestimated the level of work-related cancer in Australia. "A large study in the 1980s suggested 4 per cent of cancers in the world were caused by occupation, and that's the figure that is still used in Australia," Professor Fritschi said. "But that is a really big underestimate, because the data they used was from the 1950s and 60s. We now know a lot more about chemicals and cancer risk than we did 20 years ago." Commenting on the findings Andrew Ferguson, NSW state secretary of the construction union CFMEU, called for more vigorous analysis of any new products that could be carcinogenic. "Technological changes in the industry have led to the very rapid introduction of different processes which often require the use of new solvents and chemical-based products," he said. "There's inadequate research into the implications of these new materials for workers." The paper concludes the findings "should act as a spur to elevate the importance of occupation as a cause of cancer in order to decrease the

population burden of cancer.” The TUC-backed report published in Hazards magazine in November 2005 also concluded official cancer estimates represented no more than half the true toll, and recommended occupational cancer prevention should be a major public health priority (Risks 234).

- Lin Fritschi and Tim Driscoll. Cancer due to occupation in Australia, [Australian and New Zealand Journal of Public Health](#), volume 30, number 3, pages 213-219, 2006.
- [The Australian](#). [ABC News](#). [Yahoo News](#).
- [Hazards work and cancer news pages](#) and full [cancer report](#).

Global: Union call for controls on precarious work

Working conditions are under constant threat as a result of the increasingly precarious nature of work, according to a report from the global metalworkers’ union federation IMF. It says employers are adopting labour practices and governments imposing laws that put vast numbers of people’s livelihoods, jobs and working conditions in a precarious state. The global union body says transnational companies’ drive to reduce their permanent workforces to a minimum, while governments deregulate and weaken labour and social protections, has led to a lack of security not just for temporary contract workers, but for all workers. Outsourcing, subcontracting, the use of private employment agencies, labour brokers and daily hire, all contribute to excluding workers from positions of permanent employment and consigning them to the growing ranks of precarious work. IMF says: “It is not just a matter of whether a worker will have a job the next day or next month; precarious jobs often mean dangerous working conditions, and for millions of workers, a complete lack of labour and social protections.” Studies have linked 'precarious' employment to higher rates of occupational accidents and ill-health and greater exposure to workplace risks (Risks 260). A European study this year said this

form of insecure work was on the increase and was one of the factors leading to new types of occupational health problems at work. A major report last year reached similar conclusions, adding globalisation was fuelling the trend.

- [IMF news release](#) and special report in IMF Metal World [[pdf](#)].

Global: Union warning on ‘hidden horror’ at sea

A new report from the global transport workers’ union federation ITF paints a disturbing picture of abuses of human rights at sea. The document, ‘Out of sight, out of mind’, was distributed at a UN meeting on the law at sea in New York on 12 June. It warns that as a result of recruiting scams, vessel abandonment and virtual forced labour, some seafarers and fishers are suffering horrific abuse. ITF says the report highlights systemic failures in the industries’ regulation and practice. The report notes: “While there is much to celebrate in the maritime industry there is also room for improvement. For, despite the vision of a progressive, responsible industry at the cutting edge of scientific and economic developments and sensitive to twenty-first century environmental concerns, the maritime and fishing industries continue to allow astonishing abuses of human rights of those working in the sector.” It adds: “The cases cited can sometimes be attributed to exceptional rogue elements within the industry, but more insidious are the routine exploitations that indicate severe failings in the international regulatory process.” Cases include the MT Arabian Victory, where the crew was stranded in port for 45 days in temperatures of 44 celcius without supplies. In other cases cited, workers were beaten, bound, threatened and jailed.

- [ITF news release](#). [Out of sight, out of mind](#).

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](#)

USEFUL LINKS

- **Visit** the TUC <http://www.tuc.org.uk/h> and [s/](http://www.tuc.org.uk/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](#).
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