



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](#).

In this issue

• UNION NEWS

- Corporate manslaughter bill
- Temperature hits the headlines
- Betting shop safety campaign launched
- Landmark bullying case welcomed

• OTHER NEWS

- Government makes good for asbestos victims
- Government moves to speed up claims on mesothelioma
- Welcome for smoke free regulations
- Public sector absence myth recycled
- Hazards Conference, a success

- Shell criticised following oil deaths
- Prosecution of the police following Menezes’ shooting
- Rise in sick notes reported
- Long hours may be worse for women
- Rotating shift work may increase heart risk
- **INTERNATIONAL NEWS**
- Injured migrant workers network in china
- Indian ship scrapping yard condemned
- Heat hits Dutch workers
- Australian safety rep seeks to raise support
- **RESOURCES**
- New guidance in managing shift work
- RSI support group
- **EVENTS AND COURSES**
- TUC courses for safety reps
- **USEFUL LINKS**

UNION NEWS

Corporate manslaughter bill

The government has finally introduced its proposed corporate manslaughter bill into parliament with a view to it becoming law in the current session. The bill, which was published on Friday 21st July, is little different from what most safety campaigners expected. The government has taken on board some of the criticisms of an earlier draft bill that were made by a joint parliamentary committee earlier this year. While these changes have been welcomed, the bill does not remove crown immunity for all health and safety offences, or increase penalties for health and safety offences, which some unions and safety groups had hoped for. In addition, as expected, the bill does not raise specific legal health and safety duties on directors of companies. Welcoming the bill, TUC General Secretary Brendan Barber said, “This bill has been a long time coming. We will study the detail, but hope it will make it easier to bring prosecutions against companies whose negligence has contributed to the deaths of employers or members of the public.” He went on to add “We also urge the government to look at the issue of placing specific legal health and safety duties on directors of companies either through this bill or separately”. Earlier this year the Health and Safety Commission indicated that it would not be making a decision on recommending a new legal duty on directors until after the corporate manslaughter bill had been finalised. Unions in Scotland expressed some concern that the published bill would also apply to Scotland. It had previously been expected that separate Scottish legislation would be introduced and the bill would cover only England and Wales. However it is understood that the Scottish Executive and the Home Office decided that, as this was primarily a “health and safety” matter, then it was a matter for Westminster.

- [TUC press release](#)

Temperature hits the headlines

As Britain experienced its hottest July day on record, trade unions expressed concern over the

effects that the heat was likely to have on their members. The TUC launched a “cool work” campaign urging employers to relax dress codes as the temperature rises. The TUC said that the best way for staff to keep cool inside was for employees to be able to wear more casual clothes in the office. TUC General Secretary Brendan Barber said “We’d like British bosses to work cool and allow their staff to dress down a little for summer. Not only will a cool approach to work avoid staff wilting at their desks, it could also save companies money as they should be able to turn down the air conditioning a notch”. He went on to add “It is no fun working in a baking office or factory, an employer should do all they can to take the temperature down.” “We are calling on bosses to let their staff loosen their collars and cool down while the heat wave continues.” Meanwhile shop workers union Usdaw lobby the government for a change in the law to introduce a legally enforceable maximum working temperature following complaints from scores of members about the soaring summer heat. Usdaw General Secretary, John Hannett, said “The fact that there is not a legally enforced upper limit makes it very confusing for responsible employers and allows bad employers to ignore serious health and safety concerns.”

- [TUC press release](#)
- [Usdaw press release](#)

Betting shop safety campaign launched

The union “Community” have launched a campaign for safer betting shops. To kick off the campaign the union sponsored a horse race at Newmarket. The campaign aims to examine the issues of security and risk assessment in betting shops with particular reference to violence at work. The campaign aims to raise awareness of the unacceptability of working conditions that may lead to confrontational situations and encourages workers to take the issue seriously while reporting all incidences so that an accurate and complete picture of the problems can be developed. Commenting on the campaign

launch, Heather Meldrom of Community said “Anecdotal evidence suggests that although verbal threats and abuse are an every day occurrence for many workers in betting shops full steps have been taken to deal with it effectively”.

- [Community release](#)

Landmark bullying case welcomed

A landmark decision by the House of Lords that will give extra protection to staff being bullied at work was welcomed by trade unions. In the case, brought by a health policy researcher working for Guys and St Thomas’ NHS Trust, the court ruled that the Protection from Harassment Act 1997, originally introduced to deal with stalkers, also applies to harassment and bullying at work. The victim had successfully showed that he had suffered persistent homophobic bullying from his manager. On behalf of the University and College Union, Roger Kline said “This case should set alarm bells ringing for all those employers who sit on their hands and look the other way when harassment and bullying takes place on their watch. We will be giving advice to all our representatives on the need for every institution in further and higher education to review their bullying and harassment policies and to take them seriously. The time for lip service is over”.

- [UCU statement](#)

OTHER NEWS

Government makes good for asbestos victims

The government delighted campaigners for justice for the victims of asbestos by rushing through an amendment to the compensation bill which had the effect of reversing a House of Lords ruling which would have reduced the

amount of compensation received by many victims of asbestos or their dependents. The law lords had ruled that, if more than one employer had exposed a worker to asbestos then anyone who contracted mesothelioma would have to sue all their employers separately, despite the fact that exposure may have happened over a 50 year period and that many of the former employers may no longer be traceable. Following the ruling, made in May this year, trade unions, victim support groups, and lawyers urged the government to reverse this ruling. Within weeks the government had announced it was to bring in an amendment to the compensation bill as soon as possible to ensure that the claimant could recover full compensation from any relevant employer ([Risks 262](#)). The amendment was introduced into the House of Commons on 16th July and supported by all parties. It was then adopted by the House of Lords two days later and is expected to receive Royal Assent on 25th July. TUC General Secretary Brendan Barber said “The government is to be applauded for bringing forward its amendments so quickly. They have taken decisive action to help protect one of the most vulnerable groups in society. While no amount of compensation will ever make up for the loss of a loved one from this dreadful disease, at least those who do make a successful claim against an employer will know that any settlement will not be reduced because one or more of their previous employers cannot be traced”.

- [TUC press release](#)

Government moves to speed up claims on mesothelioma

The government has announced interim measures to speed up compensation claims for mesothelioma sufferers. In a written ministerial statement Work and Pensions Secretary John Hutton said that a number of initiatives had been developed as a result of discussions between the TUC, Association of British Insurers, and Association of Personal Injury Lawyers. These included a standard claims letter, better advice to

claimants, and more encouragement to use “fast track” processes. In addition the insurance industry agreed to try to speed up their own procedures, in particular for tracing insurers.

- [ABI press release](#)

Welcome for smoke free regulations

The government has issued the proposed regulations on how smoking will be banned in workplaces and other public places in England next summer. The consultation has been welcomed by the TUC and also by health campaigners. TUC General Secretary Brendan Barber said “While we may not agree on all the points of detail, the draft regulations provide an excellent working framework for ensuring that all workplaces become smoke free, with maximum compliance and the minimum of difficulty.” However the TUC warned that employers whose workplaces were not yet smoke free should not wait until next summer before considering banning smoking. It stressed that employers should be working with unions over the coming months to ensure that a smoke free environment is introduced gradually will the full support and involvement of the workforce.

- [TUC press release](#)
- [DofH consultation](#)

Public sector absence myth recycled

The Chartered Institute of Personal Development have published their annual absence management survey of more than 100,000 employers. This shows that, once again, the overall average level of absence has fallen. However the report also claims that public sector absence is 25% higher than private sector. In fact the Health and Safety Executive had, the previous week, shown that this was a myth and in fact merely reflected the fact that the private

sector usually underreported employee absence. Commenting on the survey TUC General Secretary Brendan Barber said “This report pedals the tidal myth that private sector workers are more likely to take time off work sick. This is simply not the case. Recent research from the HSE shows that one of the main reasons why surveys tend to show greater levels of public sector absence is because the private sector traditionally underreports time taken off sick by its employees. Also this research ignores the fact that public sector employers are more likely to try to retain members of staff who have been off work whereas workers who take time off ill in the private sector run the risk of being sacked. Various sick place schemes in the public sector also allow staff to be off until they are better, but a lack of cash often forces many private sector employees to return to work before they are well.”

- [TUC press release](#)
- [HSE report](#)
- [CIPD survey](#)

Hazards Conference, a success

The seventeenth annual hazards conference was held in Manchester on Friday 14th July. Over 500 safety representatives and safety campaigners met to discuss a wide range of workplace issues. The conference also saw the launch of a new body called “Families Against Corporate Killers” which is a group of families of people killed by work who believe safe work is a human right not a privilege. The conference was addressed by Lord Hunt, the Minister for Health and Safety who called for greater partnership working to protect British workers and to give Great Britain a health and safety system that leads the world. In his speech, Lord Hunt reiterated the important role that health and safety representatives play in improving the protection of their fellow workers and how good communications between the workforce and the

employer is vital in raising standards and keeping workplaces safe for all who work there.

- [FACK press release](#)
- [Lord Hunt speech](#)
- [HSE advice](#)

Shell criticised following oil deaths

The oil company Shell has been strongly criticised in the Sheriff court by failing to prevent the deaths of two men on the Brent level platform. The Sheriff said the deaths could have been prevented and the risk had been properly assessed. Shell had earlier been fined £900,000 after admitting health and safety breaches. The fatal accident enquiry lasted 38 days and took evidence from 61 witnesses. The industry was also criticised by the HSE following the enquiry. Ian Whewell, head of the HSE's offshore division, said "The HSE believes the industry can, and should, do better. The HSE is working with the industry, with support from trade unions, to make this happen."

- [BBC news](#)
- [HSE statement](#)

Prosecution of the police following Menezes' shooting

The Crown Prosecution Service have announced they intend to prosecute the Metropolitan Police Commissioner for offences under the Health and Safety at Work Act following an investigation of the circumstances surrounding the death of Jean Charles de Menezes. Mr de Menezes was shot in a tube train by police officers after apparently being mistaken for a potential bomber. The decision to prosecute the police under the Health and Safety at Work Act has been widely criticised, not only by the family of Mr de Menezes, but also by safety campaigners who

feel that this is a completely inappropriate use of the Act. Meanwhile the HSE have issued a statement making it clear that they took no part in the investigation of the death and the decision to prosecute under the act was made, not by them, but by the CPS.

- [HSE press release](#)

Rise in sick notes reported

It was reported that the number of workers being issued with sick notes has increased recently. However doctors have made it quite clear that they blame employers for failing to take responsibility for their employees' health and wellbeing. The survey, by an insurance company, polled both GPs and human resources specialists across the UK. As expected the major health problems affecting workers are stress and back problems. While 42% of companies said they had struggled with members of key staff, only 38% of companies actually saw employee wellbeing as being a priority. Meanwhile 40% of companies have absolutely no system in place for health management and 70% of companies admitted they did not see employees' health as their responsibility.

- [BBC report](#)

Long hours may be worse for women

A new study, conducted at the University of Leeds, has shown that long work hours may affect women worse than men. Research has found that women who work longer hours were more likely to smoke, take less exercise, and eat unhealthily. However these patterns were not seen in men. The survey also showed that both men and women in chronically high stress jobs were more likely to snack between meals.

- [Survey summary](#)

Rotating shift work may increase heart risk

People who work rotating shifts may face a greater risk of developing heart disease than those who work fixed days or fixed nights only. The report, from Japan, showed that men who worked rotating shifts were 60% more likely to have a disease of the heart and blood vessels than those who worked day shifts and were over twice as likely to die of heart disease. However workers who had other risk factors such as high blood pressure were more than 3 times more likely to die of heart disease than day workers with high blood pressure. No such increase was found among men who worked fixed nights. In the past, health differences among people working different shifts had been put down to the fact that people who worked some shifts were more likely to smoke than those who worked days, however the current study shows that there was a significant increase even after the figures had been adjusted for other risk factors.

- [Reuters report](#)

INTERNATIONAL NEWS**Injured migrant workers network in china**

A support group for migrant workers in China, most of whom left home provinces to go and work in cities, has been set up. China's record of health and safety has been criticised in the past and migrant workers are thought to be particularly vulnerable especially given the lack of support available.

- [News report](#)

Indian ship scrapping yard condemned

Ship scrapping yards across Asia, and particular within India, have been condemned as “death traps” by environmental group Greenpeace. According to Associated Press, 372 workers have died in one shipyard alone over the past 25 years. A further 180 deaths have occurred in Bangladesh in the past 11 years. Greenpeace claim that shipbreaking is usually done by uneducated migrants with little safety equipment who earn a dollar or two a day.

- [AP report](#)

Heat hits Dutch workers

It is not only Britain who has been feeling the heat over the past few days. The Dutch Union Confederation has expressed shock at the number of calls its been receiving from workers who are suffering from the unusually warm weather. They claim that many of the situations reported to them were simply dangerous and that employers were not allowing people to go home even in circumstances that were clearly unacceptable. They quoted an example of a driver working with people with disabilities who was working in a vehicle with a temperature of 50 degrees. VAFNV's health and safety expert, Jan Verhagen, said “It does not bear to think about what could happen if this driver faints.”

- [News report](#)

Australian safety rep seeks to raise support

Only one safety representative is left on a major Australian rail project following the dismissal of other union stewards and safety representatives. Mal Peters is to tour Melbourne, Sydney and Brisbane to raise support for colleagues facing \$28,000 fines. This is the culmination of a campaign which has led to Peters and 106 of his colleagues being charged for defying orders that forbid them from taking any industrial action.

Unions allege that any worker that has raised a health and safety query has been sacked and that the charges against Peters are part of a campaign against unions by the federal government.

- [Labournet](#)

RESOURCES

New guidance in managing shift work

The HSE have produced a new guide on shift work and health and safety. The book draws on evidence available on the negative effect on workers' health from various shift patterns and gives advice on how these can be reduced and controlled.

- [HSE release](#)

RSI support group

A new national RSI charity has been established called RSI action. This aims to help prevent RSI in the UK and also to support those suffering from RSI conditions. The website has got some useful information on RSI and also links to local support groups.

- [RSI Action website](#)

EVENTS AND COURSES

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/ 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.
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