



Risks Newsletter



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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 14,000 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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SPECIAL FEATURE – ACTION MESOTHELIOMA DAY

Hundreds of thousands more will die

Hundreds of thousands of people in the UK could die from asbestos-related cancer, latest estimates suggest. Just one deadly asbestos cancer, mesothelioma is now killing 2,000 people each year in the in the UK – one death every five hours. But for every mesothelioma death at least one person – and probably many more – will die from asbestos related lung cancer. Latest estimates suggest this could mean at least 120,000 people and probably substantially more are still to die as a result of Britain’s asbestos disease epidemic – an epidemic predicted by unions and campaign groups, who have for decades called for stricter controls on asbestos. The price paid by working people is spelled out in a new YouTube video from the Forum of Asbestos Victim Support Groups. Elizabeth Bradford, a teacher, Yvonne Lowe, a school caretaker and Andrew Burns, a 37-year-old who was exposed to asbestos as an apprentice electrician are among those who explain the everyday circumstances that led to them developing mesothelioma, a condition which usually kills within two years. Nationwide, asbestos groups are involved in events on 27 February, Action Mesothelioma Day, to increase awareness of the problem and to press for better treatment for those affected and for more research to find a cure. The Forum’s video will also be screened on BBC’s outdoor big screens. Amicus has produced an Action Mesothelioma Day poster and is urging its workplace reps to get involved. Amicus health and safety officer Rob Miguel said: “Mesothelioma can develop up to 60 years after exposure to asbestos and because of this long delay it has been calculated that the number of UK cases will continue to rise until 2015.” Amicus general secretary Derek Simpson said: “People have died needlessly from this most painful horrific disease, we will continue to fight

for better working conditions, so our children do not suffer the same fate. We are determined that those who are affected by mesothelioma receive justice, and get the care and support they need.”

- Mesothelioma: The human face of an asbestos epidemic, [YouTube video](#). Forum of Asbestos Victim Support Groups [ActionMeso website](#).
- [Great Manchester Asbestos Victims Support Group news release](#). [Amicus news release](#) and Action Mesothelioma Day poster [[pdf](#)]. BLF news release on [Action Mesothelioma Day](#) and on the new [asbestos mortality estimates](#).
- [Daily Mail](#). [Daily Record](#). [Daily Mirror](#).
- Action Mesothelioma Day, 27 February 2007. For a full 27 February events listing, see the [International Ban Asbestos Secretariat](#) website. Also see the [Hazards Campaign](#) website. BLF events listing [[pdf](#)].
- [Hazards asbestos webpages](#).

MoD admits asbestos ‘cancer hug’ liability

The Ministry of Defence (MoD) is to compensate a Plymouth woman who said she developed an asbestos-related cancer from hugging her father. Debbie Brewer, who has been diagnosed with mesothelioma, stands to receive a six-figure damages payment. The MoD said it had admitted liability and would agree a suitable settlement. Mrs Brewer believes she was exposed to the asbestos brought home on her father’s clothing and hair when he was a lagger at Devonport Dockyard in 1966. Philip Northmore died from asbestos-related lung cancer last August. Mrs Brewer, 47, said she was very pleased the MoD had admitted liability as the money would help her enjoy the time she had left with her children and also provide for them after her death. “This is about the issue and it’s also about what I’m going to lose and no price can be put on what I’m going to lose,” Mrs Brewer said. In a statement, the MoD said it “has admitted liability for the asbestos-related mesothelioma suffered by Deborah Brewer and is now

endeavouring to agree as swiftly as possible a suitable settlement.” In November last year, 45-year-old Michelle Campbell, who developed mesothelioma as a result of exposure to asbestos from her grandfather's work clothing, was awarded a £145,000 MoD payout ([Risks 282](#)). She used to sit on granddad Charles Frost's knee and enjoy a chat when he popped in to visit on his way home from his job at Portsmouth dockyards.

- [BBC News Online](#). [Daily Telegraph](#). [The Times](#).

Australia: Asbestos scandal claims Hardie scalps

James Hardie chair Meredith Hellicar has fallen on her sword after Australia's corporate watchdog launched a lawsuit to ban her from running a company. Ms Hellicar, and the two remaining directors who signed off on Hardie's plan in 2001 to separate the company from its asbestos liabilities, Michael Brown and Michael Gillfillan, resigned, all protesting their innocence. The move came days after the Australian Securities and Investments Commission (ASIC) applied to the NSW Supreme Court to have 10 former and serving Hardie officers excluded from directorships, and to impose fines. ASIC has alleged Hardie breached a range of corporate laws in the course of its asbestos compensation scandal, in which the company set up an independent trust for its asbestos victims with what turned out to be an Aus\$1.3 billion (£0.56bn) shortfall. Ms Hellicar will be entitled to a termination payment of around Aus\$1 million (£400,000), plus superannuation and share option entitlements. In separate letters of resignation to the company, the three directors said they felt that in the interests of the company, they should resign to avoid any conflict of interest. James Hardie said it had regretfully accepted the resignations. It is understood the US securities authorities are keeping a close eye on proceedings. James Hardie is listed on Wall Street, and has been making massive profits in the US on the back of a housing boom. Earlier

this month James Hardie ratified a long delayed Aus\$4bn (£1.58bn) 40-year compensation deal ([Risks 293](#)). Payouts to people dying of asbestos disease or their relatives will be dwarfed by the termination payout the disgraced Hardie chair can expect.

- James Hardie: Company statement on the resignations [[pdf](#)]. [ACTU news release and factsheet](#). [The Australian](#). [ABC News](#). [ABC's The World Today](#). [Northern Territory News](#).

Global: New push for global asbestos ban

A global trade union organisation has called for a renewed push for a global asbestos ban. Anita Normark, general secretary of the building unions' global federation BWI, said: "Today's exposures guarantee an epidemic lasting at least another generation, with the asbestos graveyards shifting from the developed to the developing world." She added: "At the moment, there is at least one death every five minutes, and some jobs are effectively a death sentence. There is no safe level of exposure, so there is no acceptable level of exposure." Normark added that last year, thanks to an international trade union campaign, "we were able to convince the International Labour Organisation (ILO) and the World Health Organisation (WHO) to call for a ban on asbestos in all countries. But words and resolutions are not enough. We need clear action from the ILO and the WHO to achieve a global prohibition of this deadly material and to prevent the terrible diseases it causes." BWI is asking all trade unions to write to their national governments, asking for a meeting to discuss a national action plan to prevent asbestos related diseases. It is also appealing for a renewed international effort to convince the Canadian government to recognise that asbestos is the world's biggest industrial killer and that it should be banned in all countries. "Canada is one of the largest exporters of asbestos," said Normark, "and we aim to show its government that workers in a large number of countries are concerned about Canada's disdain for the occupational and public health of citizens and

workers throughout the world.” She said while 40 industrialised countries have banned asbestos, and are using alternative materials, developing countries are targeted by the asbestos salesmen who will deny the health hazards in order to make profits.

- [BWI news release](#). [BWI asbestos webpages](#).

Latin America: Unions push for asbestos bans

Sixteen trade union confederations in five Andean countries - Bolivia, Colombia, Ecuador, Peru and Venezuela – have taken up the campaign for an asbestos ban. The unions have helped compile a document, ‘Ban asbestos in the Andean sub-region’, published by the Andean Labour Institute (ILA). The document is based on a survey of trade union leaders, and looks at asbestos use in the different countries involved. Colombia is an asbestos producer which both uses its own output and imports large amounts from Canada, estimated at 19,000 tonnes in 2005. Bolivia produces little asbestos, while Peru has shutdown its asbestos mines. Most asbestos used in the region is imported, mainly from Canada. Accurate usage figures are hard to obtain, but it has been estimated Venezuela imported just under 4,000 tonnes and Peru more than 4,600 tonnes of asbestos in 2004. No precise figures are given for Ecuador and Bolivia. The document chronicles asbestos use in all countries in the region - chiefly in asbestos cement and brake lining manufacture, and textile industry applications. Many other asbestos firms still in operation in the region are owned by European multinationals.

- [ETUI-REHS news report](#). [BWI asbestos webpages](#) and list of [asbestos supply and consumption trends](#).
- [International Ban Asbestos Secretariat \(IBAS\)](#).

UNION NEWS

Oh so slow progress on long hours

Unpaid overtime is on the decline, but progress is so slow that it will take until 2030 to end regular unpaid overtime of more than 10 hours every week, according to a TUC analysis of official statistics. The new research, published on 23 February to mark the TUC’s Work Your Proper Hours Day 2007, the day when people who do unpaid overtime would on average get paid if they did all their unpaid work at the start of the year. According to the government’s Labour Force Survey there has been a small decline in the proportion of the workforce doing more than 10 hours a week unpaid overtime over the last five years. Almost 840,000 employees currently do unpaid overtime averaging more than 10 hours a week, which is 3.4 per cent of the workforce – down from 4.1 per cent in 2001. If that rate of progress continues it will take until 2030 before no-one regularly does more than 10 hours extra a week. TUC general secretary Brendan Barber said: “Work Your Proper Hours Day is both a bit of fun and a chance to ask some serious questions about work-life balance in the UK. The best we can say is that our long hours culture is not getting any worse, and there are some real, but pretty glacial, signs of progress over the last five years.” He added: “Employers in long hours workplaces should be asking hard questions about their culture, how their work is organised and whether they can repay staff through allowing more flexible working arrangements, without waiting for a change in the law to allow everyone to request a better work-life balance.” Teachers and lecturers topped the unpaid overtime league. Sally Hunt, joint general secretary of lecturers’ union UCU commented: “Lecturers tell me that their work increasingly impacts upon family life. An after work coffee or cocktail would be a nice gesture, but what we really need is a recognition by universities and colleges that we cannot build a world class education sector on the exploitation of staff.” Nick Isles, director of advocacy at The Work Foundation, said “there is still a strong case that working life in Britain would be improved if the UK’s opt-out from the European Working Time Directive was removed. Work-life balance

remains elusive for many employees, and too many employers are inflexible when it comes to working time. The directive allows employers enough scope to meet sudden peaks of demand.”

- [TUC news release](#) and regional releases for [Wales](#), [West Midlands](#), [East Midlands](#), [South East](#), [London](#) and [Eastern](#). [STUC news release](#). [UCU news release](#). The Work Foundation news release. [Investors in People news release](#). [Bath Chronicle](#).
- [The Work Your Proper Hours Day](#), 23 February 2007. Things to do on Work Your Proper Hours Day (or any other time you feel taken for granted): [Decorate your office](#); [Play the game](#); [Snap Your Proper Hours Day Competition](#); [Send your Boss a Boss-a-gram](#); send an [e-card](#) inviting mates to do something that isn't work. [24 Hour Museum](#). [Other activities that don't involve work](#).

Usdaw slams “short-sighted” safety watchdog

Retail union Usdaw has written to the chief executive of the Health and Safety Executive (HSE) Geoffrey Podger slamming plans to scrap one of just two inspectors responsible for developing national safety policies in the food and agriculture sector. The food manufacturing sector has a much higher than average accident rate but budget cuts at the HSE has led the safety watchdog to axe one of the inspectors working with trade union and employer organisations to develop safe working initiatives. “Usdaw is saying loud and clear this is very short-sighted decision especially when the two inspectors have played key roles in reducing accidents in the food sector by 37 per cent,” said Usdaw national officer Bill Snell. “Usdaw believes the two inspectors have been central in achieving twice the national average level of safety improvement in industry as a whole for our food manufacturing members.” He said HSE was jeopardising an essential coordinating function between HSE, unions and employers in the sector and added: “My letter to the HSE urges them to reconsider this decision and Usdaw is

happy to sit down with the HSE to discuss how we can continue what has been a remarkably successful three-way working relationship that has made huge strides in preventing serious injuries in this sector.”

- [Usdaw news release](#).

Food firm injuries fall thanks to union role

Carlisle-based company Cavaghan & Gray has seen a dramatic fall in workplace injuries and dangerous incidents thanks to a new hazard spotting approach agreed with unions. The company, part of the Northern Foods group, makes chilled ready meals and used to have a high accident rate at the Carlisle factory. But a new deal agreed between Usdaw reps and management resulted in the introduction of a zero tolerance campaign, based around a simple hazard/near miss reporting form. The focus was on the underlying causes, with seven safety improvement teams created to tackle any problems identified. There were plenty. Over 1,400 reports have been “received and actioned” since the scheme started early in 2006. Since the scheme was introduced there have been no major accidents, a 66 per cent reduction in accidents officially reportable under the RIDDOR regulations and a 90 per cent reduction in lost time accidents. Mary Kennedy, Usdaw convenor at the site, said: “The fact that the management worked closely with the union on this project was the key to success. By working together we were able to motivate the whole workforce and make sure that health and safety was top of the agenda at all meetings.” Site health and safety manager Ed Sedgewick added: “Site wide awareness has improved and working together with the union and workforce have reduced reportable accidents, days away cases and provided a safer workplace to be proud of.”

- [Usdaw news release](#).

Union supports member in bike smash

The union Amicus has helped secure compensation for an accomplished sporting enthusiast who suffered severe injuries in a road smash. Gareth Llewellyn, 49, a research officer at the University College of Swansea, was knocked off his motorbike by a motorist in August 2003. He suffered multiple spinal injuries and complications, including a pulmonary embolism which left him in intensive care. The driver of the vehicle and her insurance company, Provident plc, denied liability, claiming that Mr Llewellyn was speeding and cut across her path. To support Mr Llewellyn's case, Thompsons Solicitors sought medical evidence from a consultant orthopaedic surgeon, consultant neurologist, consultant urologist, consultant psychiatrist and consultant in rehabilitation. A care report and housing report were also obtained. Cathy Speight, regional secretary for Amicus, said: "Mr Llewellyn's union membership gave him access to legal advice and support which enabled him to secure proper compensation." On advice from his solicitors, he rejected an offer of £50,000 compensation, eventually agreeing a greatly improved, confidential settlement. Mr Llewellyn commented: "I'm grateful to the medical staff who've helped me so much over the past three years. I'm also thankful to Amicus and Thompsons for helping me to fight my case and claim proper compensation. Without their support, expertise and determination to see my case through, I would have been left with the unacceptable offer initially made by the insurance company."

- [Thompsons Solicitors news release.](#)
- [Hazards compensation webpages.](#)

Clyde nuclear safety fear

Trade union members at the Clyde Naval Base fear that additional cuts in funding may lead to a nuclear incident. Members at the Faslane and

Coulport naval facilities on the Clyde are starting a campaign against plans to cut the running costs of the Clyde Naval Base by a further £30m per year. Prospect and PCS say they are seriously concerned that these savings will result in a 20 per cent cut in staff on top of the 32 per cent that has been lost since the Base was part privatised in 2002. They say further cuts would have a major impact on the safety culture across the base. Alan Grey, chair of the trade union 'Don't take Risks with Nuclear Safety' campaign said: "Members are extremely worried. They want to stress that this is not a jobs preservation issue; this is very much a safety issue. These cuts will impact on already overstretched civil servants, service personnel and the privatised workforce and they believe that the extreme pressures staff are already enduring will be pushed beyond breaking point with catastrophic consequences for the workforce and the local community." Staff at the naval base and across the MOD are worried that the present MOD policy of finding money for the frontline by imposing cuts in the support side is short term and dangerous. Cutting that support simply to meet a lack of proper funding must eventually have a serious impact on the frontline, the unions say. They believe that more should be done to force the government to properly fund the Ministry of Defence. Dougie Brownlie, secretary to the campaign committee, said until the serious under-funding issue is addressed, "members are committed to fighting any cuts that will impact on the safety culture across the Clyde Naval Base."

- [Prospect news release.](#)

TGWU exposes Gatwick's dangerous route

Gatwick Airport's largest trade union has called on the Civil Aviation Authority (CAA) to meet ground staff face-to-face to explain why they have overridden concerns on safety and working conditions to allow a free-for-all for ground handling companies. TGWU, which has almost 8,000 members at the airport, issued the challenge after getting sight of a CAA review,

which concludes it intends to allow an unlimited number of companies to compete for ground handling work at the airport. The union said this would lead to “a race to the bottom on safety,” a reduction in employment, an increase in pressure on staff and unacceptable compromises being made on training and supervision. Madeleine Richards, TGWU senior regional industrial organiser, said “increased competition will only damage safety standards for our members and could turn out to be counter productive for airlines and their passengers in the quality of service provided. We believe it will lead to a race to the bottom rather than aspiring to the heights.” She said that as ground handling was a labour intensive business it had been labour costs that bore the brunt of financial cutbacks. Safe practices are directly affected by reduced staffing levels, training and supervision, for example from the manual loading of thousands of bags by workers each day to carrying out final aircraft safety checks before take-off. “It’s disappointing that the CAA seem to have listened to markets and money rather than the genuine concern of workers,” she said. The union launched a “Gatwick safety charter” last year ([Risks 271](#)).

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

Union reverses unsafe Royal Mail austerity drive

Royal Mail has backtracked after postal union CWU revealed an end of year cost cutting exercise was undermining agreed safety procedures. The problem started when Royal Mail managing director Ian Griffiths introduced on 25 January a major “austerity” drive across Royal Mail Letters, with an internal memo instructing managers to cut all expenditure in the final weeks of this financial year. CWU said this “very quickly resulted in widespread reports of health and safety meetings, inspections and initiatives being cancelled as well as safety representatives involvement being curtailed.” CWU national safety officer Dave Joyce said this breached health and safety legislation and

national agreements. “We are sadly seeing the all too familiar evidence of the general ignorance amongst local Royal Mail managers of their legal health and safety obligations and duties”, he said, adding the company was told by CWU it was breaking safety law. Health and safety training was also caught up in the cost cutting drive, with the MD’s memo instructing local managers that training must be put on hold, which CWU again pointed out was another breach of the law. Safety audits were also abandoned and some members were denied necessary personal protective equipment, the union said. Following “strong representations” from CWU, Ian Griffiths issued a clarification, saying agreed health and safety procedures must not be compromised by the austerity measures. “He agreed that for the avoidance of doubt and to ensure that everyone makes the right choices when looking at cost reductions, an instruction would be issued emphasising our joint responsibilities in health and safety,” said Dave Joyce.

- [CWU news release.](#)

Now protect all health workers, says UNISON

A law aimed at protecting emergency workers should be strengthened to cover all health workers, the union UNISON has said. The Emergency Workers (Obstruction) Act, which came into force on 20 February, means that anyone who deliberately obstructs a worker responding to an emergency situation can now be prosecuted and fined up to £5,000. Emergency staff covered under this new offence include ambulance workers, coastguards and lifeboat crews, firefighters and people transporting blood, organs or equipment on behalf of the NHS. But UNISON says such laws should cover all health workers, and that the punishment meted out by the courts should be a lot firmer. UNISON head of health Karen Jennings said: “We do welcome and support these new laws, but we urgently need to include all health workers to give them extra protection in the line of duty. Despite some progress being

made - especially in the field of prevention and training - still too many UNISON members are telling us that they feel like they have been hit twice, because the penalties meted out by the courts are so paltry.” Announcing the new law, Home Office minister Gerry Sutcliffe said: “The government is committed to ensuring the safety of those serving their communities. Too often emergency workers are unable to get to incidents as quickly as they should due to a minority of people obstructing their rescue efforts.” He added: “Such behaviour will not be tolerated, and deliberate attempts to obstruct or prevent emergency workers, or anyone assisting them, from doing their very difficult jobs, will face a stiff penalty.” In May 2005, the Scottish parliament brought in laws that made assaulting a member of the emergency services a specific offence. Offenders in Scotland face up to nine months in prison or a £5,000 fine ([Risks 206](#)).

- [Home Office news release](#). [BBC News Online](#). [Personnel Today](#).

OTHER NEWS

European survey explodes sickies myth

New research has exploded the myth that British workers are quick to use illnesses caused by their work as an excuse to “throw a sickie”. In fact, says the TUC, the study shows that British workers are the least likely in Europe to complain about the effect of their work on their health. The 4th European Working Conditions Survey, published this week by Dublin-based research organisation Eurofound, looks at working conditions in 31 countries across Europe and reveals a mixed picture of the effect work has on British workers. The report shows that British workers are far less likely to take leave as a result of a work-related illness, coming 26th out of 31 countries. The survey also shows that British workers are more likely to be subjected to threats and violence at work than any other country apart from the Netherlands. Commenting on the report, TUC general

secretary Brendan Barber said: “This report is a mixed bag for British workers. Worryingly, the high levels of workplace violence reflect the culture within Britain where some people think it is acceptable to threaten staff, in particular those dealing with the public such as paramedics, transport workers and shop staff.” He added: “At the same time it is clear that the image that employers give of British workers who are happy to blame every twinge on their work and use illnesses such as stress and back pain as an excuse for taking time off work, bears no resemblance to reality.” The survey’s main findings on working conditions in Europe are: The pace of work has intensified; weekly working hours are decreasing; the majority of workers are satisfied with their jobs; more workers now use computers and the internet in their job; just one third of workers say their job offers good career prospects; opportunities for training at work are limited; almost one third of workers feel their health and safety is at risk because of their job; and the majority of workers say their work is interesting.

- [TUC news release](#). [Eurofound publication alert](#). [Fourth European Working Conditions Surveys \(2005\)](#).

TUC warns consultation misses temp work troubles

A government consultation on the protection of vulnerable agency workers is too narrow and will leave temporary workers at risk, the TUC has warned. TUC general secretary Brendan Barber said: “By announcing the consultation, the government has recognised that agency workers can be vulnerable to abuse from unscrupulous agencies and employers and that more needs to be done to protect them. But unfortunately the consultation is extremely limited in its scope and will do nothing to address the worse pay and conditions that temps receive.” Announcing the new consultation on 20 February, employment relations minister Jim Fitzpatrick said: “Many agency workers choose temporary positions as it fits their lifestyle and

allows them to choose their working pattern. The government's focus in this consultation is on those agency workers who are vulnerable, to make sure they know their rights." The consultation includes proposals to give agency workers a clear right to withdraw from accommodation, transport or other services provided by an agency without suffering any detriment and measures to alert potential migrant workers to their rights, highlighting the unscrupulous practices to which they may fall victim when they reach the UK. TUC's Brendan Barber said temporary workers deserve the full package of employment rights. He said: "Unions have long campaigned for agency workers to be given the same rights at work as their permanent colleagues. Without better protection at work, many agency workers will continue to receive unfair treatment. The government has said previously that it supported the principles contained in the now shelved European temporary agency workers directive. Ministers should now prove this commitment by introducing equal treatment for agency workers by supporting Paul Farrelly's Private Members' Bill." The Labour MP's Temporary Agency Workers (Prevention of Less Favourable Treatment) bill has TUC and trade union support ([Risks 292](#)). It seeks to give agency workers the same rights as full-time and directly employed staff on key issues including basic wages and sick and holiday pay, and will have its second reading in the Commons on 2 March. A study last year found that men in temporary jobs are more likely to suffer health problems than men in secure employment ([Risks 288](#)). Precarious work has been linked to host of workplace injury and ill-health risks ([Risks 260](#)).

- [TUC news release](#). [DTI news release](#). [TGWU news release](#). [UNISON news release](#). [Private Members Bills](#). [STUC Support the Bill webpage](#). [TGWU Support the Bill webpage](#).
- [Success at work: Consultation on measures to protect vulnerable agency workers](#), DTI. The consultation closes on 31 May 2007.

A devastated mother whose son drowned in a slurry tank has spoken of her "disgust" at the fines handed out to his bosses. Yvonne Barnes lost her 28-year-old son George when he tried to rescue a colleague who had become overwhelmed by toxic fumes emanating from the slurry in a field near Thetford in July 2004 ([Risks 165](#)). Mr Barnes and his work colleagues Timothy Bartram, 46, and Graham Morris, 54, all drowned in three feet of slurry. Last week, Roger Clark, a director, and general manager Gordon Betts of Thetford-based Enviro-Waste Ltd were each fined £10,000 after admitting breaching workplace health and safety legislation. The firm was separately fined £72,000 and ordered to pay £50,000 in costs. But Mrs Barnes criticised the fines on the individual directors. The grieving mother pointed out the fines represented less than £3,400 per victim of the tragedy. She said: "It is disgusting, you could not even buy a car or new kitchen for that. We are absolutely disgusted. They did get off extremely lightly. It is very upsetting to say the least. We were just stunned." She described her son as a "hero" for trying to save the life of his colleague Mr Bartram, losing his own in the process. In a statement, Judge Peter Jacobs, who was criticised in the press over the size of penalties, said: "Normally I would not comment further on any case I have sentenced but in view of the criticism made of me on BBC Radio Norfolk I would point out that in fixing the level of fines, which was the only penalty available, I have to take into account the ability to pay." He added: "I am very conscious of the grief suffered by the families of the deceased but I can only fine defendants what they can afford to pay in respect of any breaches of health and safety legislation. All of this was fully referred to in court and in my sentencing remarks but none of this was referred to in the BBC report." The Norwich Crown Court judge added that the fine and costs were almost all of Enviro-Waste's £150,000 profit from last year and Betts was now retired with a pension of £17,000.

- [HSE news release](#). [East Anglian Daily Times](#). [Eastern Daily Press](#).

Mother hits out at slurry death sentence

- [Hazards deadly business webpages.](#)

Community service for ignoring HSE safety notice

A builder has been fined and given community service for failing to carry out work properly, leading to the collapse of a shop in Elland, West Yorkshire. Shabir Naseem was prosecuted by the Health and Safety Executive (HSE) after the incident. Naseem, 47, trading as SH Builders, was sentenced to 200 hours community service and fined £7,500 with costs of £7,190.58 for breaching a prohibition notice which ordered him to stop work. He admitted breaches of the Health and Safety at Work Act 1974. The court was told that despite the prohibition notice, Naseem continued to manage construction work without the necessary knowledge, qualifications and understanding of health and safety law. HSE inspector Chris Smith, who investigated the incident, said: “The outcome of this case could have been far more serious. It was only good fortune that no-one was hurt. You simply cannot manage a construction project safely and effectively without an understanding of, and compliance with, health and safety law.” An HSE inspector had served a prohibition notice on Naseem in June 2004, following a site visit which revealed that refurbishment work was being carried out without even the most basic of safety requirements like protective equipment and training in demolition work. The work continued in breach of the notice and on 17 March 2005 parts of the building collapsed as scaffolding was being removed.

- [HSE news release.](#) [Huddersfield Daily Examiner.](#)

BP internal blast report called for sackings

BP's internal investigation into management accountability for the oil company's fatal Texas refinery explosion called for the sacking of four

senior executives, according to a newspaper report. A 14 February Financial Times report says those marked for the axe included Mike Hoffman, who recently retired as the UK company's group vice-president for refining and marketing; Pat Gower, US refining vice-president; Don Parus, the Texas City refinery manager who has been on leave since the accident; and Willie Willis, a plant employee who had apparently been groomed to succeed Mr Parus. The paper says the four were among a dozen or so senior managers investigated by Wilhelm Bonse-Geuking, group vice-president of BP, after the explosion at the Texas City refinery in 2005, which killed 15 people. The FT says they were identified in the report as “Tier 1”, which was defined as those with direct responsibility for substantial management activities. “The team believes that each of the individuals identified in Tier 1 failed to perform their management accountability in significant ways, and recommends that BP seek ways to conclude their employment relationships on fair and just terms, in a timely manner,” the report concluded. It said Mr Hoffman “has not performed his duties effectively”, and added that his departure was consistent with what the investigation team would have wanted. Mr Gower, the report said, “failed to actively control and supervise the performance of the most complex and difficult facility, even in the face of alarming reports and findings and the severe precursor incidents in 2004.” Two BP workers were scalded to death by boiling water after a pipe ruptured on 2 September 2004 ([Risks 271](#)). The report said that whereas Mr Parus, who red-flagged deficiencies at the plant to senior management in the run-up to the accident, took clear accountability for the tragedy, he, nonetheless “failed to adequately carry out his accountability from a management perspective”. It noted that Mr Willis “did not properly carry out his management accountability.” Commenting on the FT report, BP acknowledged there had been “shortcomings” but said there was “no evidence that anyone acted in bad faith or violated BP's code of conduct”.

- [Financial Times.](#) [BBC News Online.](#)

- [Hazards BP webpages.](#)

INTERNATIONAL NEWS

Canada: One in five violent incidents at work

Almost one in five violent incidents in Canada - including physical assault, sexual assault and robbery - occurred in the victim's workplace, a new government study has concluded. There were more than 356,000 violent incidents in the workplace in Canada in one year and most – 71 per cent - were classified as physical assaults, says the Statistics Canada study. The report, which used data from 2004, greatly underestimates the real extent of the problem, said the Canadian Centre for Occupational Health and Safety, which has been tracking workplace violence since workers handling its free inquiry service started detecting a rise in public concern over the issue, beginning in 1996. “I think what is really shocking about this report is that they are just talking about physical assault, sexual assault and robbery,” said Jessie Callaghan, a specialist on workplace violence. “We define violence much more broadly in terms of developing a prevention programme,” said Callaghan. She added “if you catch it earlier, when it is things like verbal abuse or psychological harassment, it may not escalate.” The government study found men and women were equally likely to have experienced workplace violence, but men were more likely to be injured. Workplace violence was more common in certain employment sectors. A third of incidents involved victims working in social assistance or health care services such as hospitals, nursing or residential care facilities, it said. The study also found a high proportion of incidents among those working in accommodation or food services, retail or wholesale trade, and educational services sectors.

- Canadian Centre for Justice Statistics, Statistics Canada [[pdf](#)]. [Edmonton Sun](#).

Europe: Safety strategy needs ‘new impetus’

A new Europe-wide workplace health and safety strategy could fail unless there is some new mechanism introduced to ensure it is effectively implemented, unions have warned. The European Commission five-year strategy adopted this week calls for work-related illness and accidents to be cut by a quarter across the EU by 2012. “Occupational illness and accidents at work are a heavy burden on both workers and employers in Europe,” said employment commissioner Vladimír Špidla. “Every year there are 4 million accidents at work which represent enormous economic costs for the European economy. A considerable share of these costs falls upon social security systems and public finances. Improving the health and safety of workers is key to the EU's Growth and Jobs agenda.” Commenting on the ‘New strategy on health and safety at work 2007-2012’, TUC head of safety Hugh Robertson said: “The EU has set ambitious targets but the strategy lacks the mechanisms to achieve them. Unless more emphasis is put on enforcing existing regulations and tackling issues like stress and musculoskeletal disorders through new Europe-wide measures, the TUC fails to see how these modest proposals can possibly have the effect the EU claims.” The Europe-wide trade union confederation ETUC was critical of the process that produced the strategy, which “took place in the greatest secrecy. Even the Community agencies specialising in health and safety at work were kept out of the process, to say nothing of the trade union organisations and, apparently, BusinessEurope.” ETUC added that the process needs “a new impetus”. It said the previous strategy, which ran from 2002 to 2006, saw planned initiatives on occupational cancer and strain injuries prevention blocked. “These issues will test the credibility of the new strategy,” said ETUC. “The ETUC calls for the revision of the existing directive on carcinogens, the adoption of binding limit values on the principal carcinogens, in particular crystalline silica, and for the adoption of a comprehensive directive on repetitive strain injury, not limited to the simple

coordination of existing provisions that have already been demonstrated to be insufficient.”

- [EC news release](#). [ETUC news release](#). [EC health and safety webpages](#).

Global: Building unions urged to organise for safety

Unions must organise to protect the health of their members, global building unions’ federation BWI said. In the run up to Workers’ Memorial Day, 28 April each year, BWI says the “risks are well known and so are the solutions to avoid them. By far the greatest risk for our health and safety is the negligence of employers who do not comply with even basic legislation to protect people at work.” It adds: “Deregulation, subcontracting chains, bogus self employment and informal contractual conditions make this situation even worse, undermining trade union and labour rights.” BWI, which speaks for 350 trade unions representing around 12 million members in 135 countries, is calling for worldwide action on 28 April. It is urging its affiliates to call for active workers’ participation in safety, a global asbestos ban and for local activities, including: “Organise to stop work for a formal two minutes of silence in remembrance of all the workers who have been killed over the last year.” The trade union backed Hazards website has produced new, radically redesigned Workers’ Memorial Day webpages to highlight activities worldwide.

- [BWI news release](#). [Hazards Workers’ Memorial Day webpages](#).

EVENTS AND COURSES

RSI Awareness Day, 24 February 2007

An event to mark RSI Awareness Day, usually the last day of February – the only day that

doesn’t repeat every year – is to take place in London on 24 February. Delegates to the free conference will have the opportunity to find out about RSI conditions, treatments, therapies, how to work round the limitations of RSI conditions, how to seek assistance. Members of RSI Action and RSI support groups will also be available to provide advice. The organisers say the event is for people with RSI conditions, their friends, practitioners and anybody who would like to know more about living with these conditions. Speakers will cover issues including RSI research, medical assessments, personal injury and employment law, diagnosis and treatment of strain injuries and RSI prevention through good ergonomics and workplace adaptations.

- [RSI Awareness Day](#), 10:00 to 16:00, Saturday 24 February 2007, South Cloisters, University College London, Gower Street, London. Free.

TUC courses for safety reps

COURSES FOR JANUARY TO MARCH 2007

- [Northern](#), [Southern & Eastern](#), [Yorkshire & Humber](#), [South West](#), [Midlands](#), [Scotland](#), [Wales](#)