



Risks Newsletter



Number 336 – 15 December 2007



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UNION NEWS

Train driver manslaughter rap quashed

The Court of Appeal has quashed a train driver's 17-year-old conviction for manslaughter. ASLEF

member Bob Morgan was convicted on two counts of manslaughter on 3 September 1990. He was sentenced to 18 months in jail, of which 12 were suspended, after he had admitted passing a signal while it was red. This contributed to the Purley train crash of 4 March 1989 in which six people died and 80 were injured. ASLEF said the original conviction had not taken into proper account that the signal was defective and had been passed at danger on four previous occasions by different drivers. There were no more incidents after the signal was fixed. At the trial neither the prosecution nor the defence were aware that signal T168 was a 'multi-SPAD' (regularly passed at danger) signal – which is why Bob was advised to plead guilty. The union said today a signal with this history would be immediately assessed for risk and action would be taken to remedy the danger. ASLEF general secretary Keith Norman said he was delighted that Bob had been “vindicated” and said: “We have established that where safety issues – like badly sited and unsafe signals – contribute to an accident, the driver will never again be the single person held to account – which is what happened in Bob’s case.” He added: “The tragedy for Bob and his family was that no one in management admitted their inefficiency or neglect. Instead, they slunk away, happy to leave Bob to carry the can for them all. There was no consideration of corporate responsibility – simply the desire by managers to escape blame by pointing a finger at an individual. Bob paid the price for the inefficiency and carelessness of layer upon layer of management. We can never undo the harm Bob has endured - but we can admire the dignity with which he bore the burden of the last 17 years.”

- [ASLEF news release](#).

Pilots call for air rage summit

The government should convene a high level summit to address the growing air rage problem, pilots’ union BALPA has said. The number of incidents on British planes increased by more than 60 per cent last year. Commenting on air

rage figures released last week by the Department for Transport, Jim McAuslan, general secretary BALPA, said: “Although the number of air rage incidents has risen over the past 12 months there has been a slight drop in the percentage of disruptive passengers, given that the number of people flying has increased. We are pleased about that but are very disappointed that the government’s Air Navigation order 2005 has not had more effect. We were hoping it would have had more bite.” The union leader added “what we need now is a high level conference of all the parties involved to see what else can be done to tackle air rage which puts the lives of passengers and crew at risk.” The Civil Aviation Authority received 2,219 reports of disruptive behaviour on flights in 2006/07, compared with 1,359 the previous year. The number has more than tripled in three years. Common causes included drunkenness and passengers lighting up cigarettes - or getting angry when prevented from smoking. In 42 cases passengers had to be physically restrained. Planes had to be diverted in 14 incidents and in 19 problems on board meant they had to stop takeoff. Passengers were ordered off the aircraft in 235 cases and police or security attended on 345 occasions, or 15 per cent of the reported incidents. There was violence towards cabin crew in 58 cases. The Department for Transport said the rise in incidents was partly a result of a more rigorous reporting system and a zero-tolerance approach.

- [BALPA news release](#). [DfT news release](#). [The Guardian](#). [The Scotsman](#). [Daily Mail](#).

Union fears after new crane incident

Construction union UCATT is calling for an urgent inquiry following another dangerous incident involving a construction site crane. The 11 December incident occurred in Forest Hill, south London. The jib of the crane collapsed, knocking over several concrete pillars. UCATT said it believed no workers or members of the public were injured in the accident. The union’s regional secretary Jerry Swain said: “Through

sheer luck we are not talking about another fatality. The level of accidents involving cranes is so high that workers fear that there must be some kind of fundamental flaw in their operation or installation.” According to the union, there have been eight deaths and 24 serious injuries involving cranes since 2000. “We must have a swift inquiry in order to establish whether the necessary inspections had been conducted on the crane and what went wrong,” said UCATT’s Swain. Commenting on the latest crane incident, Liliana Alexa, secretary of the Battersea Crane Disaster Action Group and whose son Michael Alexa died in a crane collapse, said: “We really do not understand how these incidents can keep on occurring. We will be telling the government and the Health and Safety Executive how disgusted we are. Peter Hain has assured our group that firm action will be taken, the crane industry claim to be doing all they can and the HSE tell us they are making the issue a priority but still cranes keep coming down.”

- [UCATT news release](#). [BCDAG news release](#).

Payout for security officer injured in burglary

A University of Manchester security guard who suffered a broken collarbone and finger during a burglary in a campus launderette, has received a compensation payout of over £13,000. UNISON member Gerard Darlington, 48, was working the night shift when a report came in that there were noises heard in the launderette. There had been a few recent burglaries and it was known that offenders carried tools to break into the machines, as this was their preferred method of gaining entry to the cash boxes. The security guard arrived on the scene with two colleagues and following a chase, managed to detain one of the men. He was injured as the burglar fought back. Mr Darlington said: “We were actively encouraged to pursue and apprehend offenders as shown by the many commendations from previous incidents that I have received from the university. The problem however was that we never received adequate training to do this job

properly.” UNISON regional officer Paul Foley commented: “Gerard Darlington had to have months off work, and ongoing physiotherapy and operations as a result of the injuries he sustained. He continues to experience problems with his neck which affects his work and his day to day life, especially his ability to sleep.” Representing Mr Darlington, Jill Griffiths from Thompsons Solicitors said: “As a security officer there was always going to be an inherent risk in Mr Darlington’s job. That said, adequate training to apprehend assailants may well have prevented him from being so badly injured.”

- [Thompsons Solicitors news release](#).

Hub floors cement mill worker

A Unite member received compensation of £50,000 when he was struck on the leg by a coupling hub. The 53-year-old member, identified as Mr Earney, was employed as a mechanical craft worker for Blue Circle Industries plc at their factory premises in Westbury, Wiltshire. He was asked to move a damaged coupling hub from the gearbox on the cement mill. He used a hydraulic jack as instructed by his employer, to get to the correct pressure. Unknown to Mr Earney, the locking nut securing the hub had been undone too far. As a result, and under pressure from the hydraulic jack, the hub suddenly shot forward at great speed directly towards him. The hub, which weighed in excess of one tonne, struck him with force on his right leg. Mr Earney explained: “I had a compound fracture which needed prolonged medical treatment. I was not able to work at all for a month and even when I returned to work I was only able to work for a couple of hours a day to start off with, carrying out light duties. In the end, I had to change my job because of my injuries.” Unite regional secretary Andy Frampton said: “This case highlights the duties on employers to provide safe equipment at work and the need to ensure that other work colleagues are properly trained.”

- [Thompsons Solicitors news release.](#)

Vibration permanently harms man's hands

A 24-year-old crack tester from Doncaster who says he was forced out of his job after vibrating tools permanently damaged his hands has received a £30,000 compensation settlement. Unite member Dean Grice was employed by MSI Forks Ltd, a firm making forks for forklift trucks. He had worked for the firm since 1997. His job required him to grind out defects on the forks using pencil grinders and angle grinders - tools which vibrated in his hands. As a result, he developed hand arm vibration syndrome (HAVS - also known as vibration white finger) - a painful condition which causes the fingers to go white and numb - as well as carpal tunnel syndrome, which causes numbness, tingling and pain in the fingers. Mr Grice explained: "It was my GP who told me that I had symptoms of carpal tunnel syndrome and he referred me to the Doncaster Royal Infirmary. Sadly my employer refused to re-deploy me to a job where I wouldn't be exposed to vibration so I had no choice but to resign." Unite regional secretary Davey Hall said: "This is not the first time that an employee of MSI Forks Ltd has suffered from hand arm vibration syndrome. We hope that it will now force them to ensure that correct health and safety procedures are in place." The two conditions are commonly associated with work with vibrating tools, and have been the subject of a series of recent industrial disease payouts ([Risks 298](#)).

- [Thompsons Solicitors news release.](#)

Dawson's driver develops diesel dermatitis

A delivery driver who developed irritant contact dermatitis when diesel splashed on his hand is to receive £1,800 compensation. Dawson Holdings plc employee William Smith, 54, was filling his work van with diesel using a hand held nozzle.

Diesel blew back from the tank of the van and went directly onto his hands. The fuel pump did not have a protective guard and he was not provided with gloves to protect his hands. Unite member Mr Smith said: "I immediately felt a burning sensation in my hands. It felt like stinging nettles. Later, my symptoms got worse and my hands went red and blistered. The skin started flaking off and I had to go and see my GP. I couldn't wash up or use detergents. My GP told me that I had dermatitis and gave me some steroid cream which I am still using." Laura Murray of Thompsons Solicitors, who represented Mr Smith, commented: "This case highlights the need for employers to provide their workers with protective clothing. Although the risks involved in this task were assessed, protective gloves were not made readily available to employees, nor were employees aware that they were necessary or available. Since this accident, the employer has made gloves available and has erected signs at the fuel pump to advise all employees to use the gloves."

- [Thompsons Solicitors news release.](#)

OTHER NEWS

Ofsted inspection 'led to death'

A head teacher killed himself, with the action "triggered" by fears over an Ofsted inspection of his primary school the following day, a coroner has ruled. Jed Holmes was off work with stress when he was found dead from carbon monoxide poisoning at his flat, with remnants of a barbecue fire in a room. He died on the eve of an Ofsted inspection in July 2007 at Hampton Hargate Primary School, Peterborough. The coroner said the evidence showed he was concerned about the inspection. "We can't exclude the proximity of the Ofsted inspection at the date of his death," said Gordon Ryall, Peterborough coroner. "It was that impending inspection that triggered off the action he decided to take." Mr Holmes had been head teacher of the school for seven years. He suffered

with his health because of the stress of work and had been on medication for several months to treat depression, the inquest in Peterborough heard. His death is the latest in a series of teacher suicides linked to job stress. An inquest in 2001 into the death of teacher James Patton heard he hanged himself because he was worried about an Ofsted inspection ([Risks 148](#)). The suicide death of assistant head teacher Patrick Stack in 2001 was blamed on his ‘Herculean workload.’ And in 2000 Pamela Relf left a suicide note saying: “I am now finding the stress of my job too much.” In 2003, Hazards magazine estimated there were at least 100 work-related suicides in the UK each year ([Risks 118](#)).

- [BBC News Online](#). *Hazards* guide to the [deadly dangers of overwork](#), including [work-related suicide](#).

Work lung cancer risks are not declining

If you thought workplace exposure to the dust, fumes and chemicals that cause lung cancer was a thing of the past you’d be wrong. The work-related lung cancer risk is not declining, a study has found. The international study “suggests that exposure to occupational lung carcinogens is still a problem, with such exposures producing moderate to large increases in risk,” the paper said. The researchers, reporting in the journal *Epidemiology*, studied the association between 52 high-risk job titles and lung cancer incidence, with more than 200,000 participants followed for more than six years and involving 809 cases of lung cancer. The researchers reported that when they compared their findings “with the estimates published in the 1980s and 1990s in Europe and the United States, it seems that the proportion of lung cancer attributable to industrial exposures has not declined much in the last 20 years.” Workers exposed to asbestos, heavy metals, polycyclic aromatic hydrocarbons and other occupational carcinogens in a range of jobs had greatly elevated lung cancer rates. “In addition, incidence tended to increase with the number of hazardous jobs reported,” they said. “Specific actions should be carried out to more

fully understand the existing risks and to prevent hazardous occupational exposures in the future,” the paper concludes.

- F Veglia, P Vineis, K Overvad and others. Occupational exposures, environmental tobacco smoke, and lung cancer, *Epidemiology*, volume 18, number 6, pages 769-775, 2007 [[abstract](#)]. [Global trade union occupational cancer/zero cancer campaign](#).

More time plea for compensation cases

The Scottish Law Commission is calling for people who are injured in accidents to be given more time to claim compensation. In a report last week, the commission recommended a five-year window of opportunity instead of the current three-year limit in place throughout the UK. It is thought the move will help those involved in occupational disease cases. However, the commission is not in favour of allowing ‘extinguished’ pre-1984 cases to be revived. It said it believed these would prove difficult to evaluate legally. Because of the time elapsed, significant amounts of evidence may have been lost, it added. Chair of the commission, Hon Lord Drummond Young, said: “We think that our recommendations will make the rules that set a time-bar for the raising of personal injury actions fairer. This applies in particular to pursuers who suffer from industrial diseases such as asbestosis and mesothelioma which require extensive investigation before proceedings can be brought; that is why we recommend that the period of the time bar should be raised from three years to five.” He added: “At the same time we think that any attempt to revive very old claims, arising before 1964, would face serious difficulties, and we accordingly recommend that such claims should not be revived.”

- Scottish Law Commission news release [[pdf](#)] and report 207 [[pdf](#)]. [BBC News Online](#).

ICL blast inquiry details announced

The details of a joint public inquiry into the ICL Stockline factory blast in Glasgow have been announced by the Scottish and UK governments. It will look into the circumstances leading up to the blast in 2004, consider health and safety issues and make recommendations. Nine people died in the explosion and 33 were injured. Owners and operators ICL Plastics and ICL Tech were later fined £400,000 for health and safety breaches ([Risks 326](#)). Lord Advocate Elish Angiolini, Scotland's senior law officer, and work and pensions secretary Peter Hain said they expected the inquiry to report as soon as possible. Ms Angiolini said: "This public inquiry will provide an opportunity, not only to fully air the circumstances which led up to that incident, but also to make sure that lessons are learned to help prevent another tragedy like this occurring." Lord Gill, Scotland's second most senior judge, will chair the inquiry, under 2005 UK legislation, and the QC Roy Martin has been appointed as counsel. Mr Hain said: "Now that we have a chair in place, and an agreement on the terms of reference, we can ensure that the inquiry will be focused on the events, and the families will not have to wait unduly for answers." The inquiry will examine the circumstances of the blast and safety lessons raised by this and will "make recommendations in the light of the lessons identified from the causation and circumstances leading up to the incident."

- [Crown Office and Procurator Fiscal Service announcement](#), [BBC News Online](#), [News updates on the ILC/Stockline blast](#).

Scots get better protected emergency staff

Health service union UNISON has welcomed the extension of Scotland's Emergency Workers Act to cover doctors, midwives and nurses in the community, but said it is disappointed the opportunity had not been taken to cover other public sector and NHS staff. UNISON Scottish

organiser Dave Watson said: "While it is welcome that a small number of extra people are now to be covered by this legislation, it is very disappointing that the government has not taken the opportunity to extend the act to cover the many public service workers who face threats and abuse daily in working in the community." He added: "The Act is called the Emergency Workers Act - not the Emergency Health Workers Act - and it was intended to cover all types of public service workers in emergency situations... We hope there will be an opportunity to amend these regulations, to take account of the many people providing our services who need protection from unacceptable threats and violence." Scotland's Emergency Workers Act covers emergency workers such as police, firefighters and ambulance staff and includes nursing and medical staff involved in responding to an emergency in hospitals, and can also include social work staff in very narrowly limited circumstances. The extended Emergency Workers Act makes it a specific statutory offence to assault, obstruct or hinder emergency workers, and those assisting them, when they are on duty. Ministers laid the new regulations before the Scottish parliament on 10 December. The pre-existing Scottish legislation was already more extensive than that covering emergency workers in the rest of the UK.

- [UNISON Scotland news release](#), [Scottish government news release](#), [STUC news release](#), [Press and Journal](#), [The Herald](#).

Floor collapses during safety meeting

A firm has been fined after an unsafe floor collapsed and trapped 21 employees - during a health and safety meeting. Two workers suffered broken bones after the floor, which had not been built to be load bearing, crashed 9ft to the ground below. Three people in the room underneath fled with moments to spare after noticing the ceiling bulging. Hyde-based Findel Education pleaded guilty at Tameside Magistrates' Court to failing to ensure the health and safety of employees. They were fined

£13,000 and must also pay the £22,504 costs of an investigation by Tameside Council's health and safety officers. A builder who carried out work in 2000 made it clear to the company that further work was needed to make the floor load bearing. Defending, Rob Elvin said the only two employees who were aware the floor was not safe – the former managing director and his assistant – left Findel a year ago. "Somewhere along the line this had been forgotten," he said. "For whatever reason, it was used. But this should never have happened." The company had completely overhauled its health and safety management systems as a result of the incident in 2006, he said.

- [Tameside Advertiser](#).

TK Maxx fined over ladder fall

Retail giant TK Maxx has been fined £50,000 after a worker fell off a ladder and was unconscious for almost a month. Christopher Polles, 51, was working at the company's distribution centre in Chesterton when he fell between 10 and 12 feet. He suffered a fractured skull and swelling on the brain as a result of the incident on 10 October 2005. He was unconscious in intensive care for three-and-a-half weeks. After intensive rehabilitation and physiotherapy, he has now returned to work at TK Maxx, but still suffers some after-effects and is no longer able to drive. Dominic Kay, prosecuting on behalf of Newcastle Borough Council, told Stoke-on-Trent Crown Court that Mr Polles was clearing a blockage from a conveyor belt near the ceiling of the warehouse. He said the belt, which is designed to transfer cardboard boxes to a compactor, was becoming blocked on an increasing number of occasions, due to the amount of boxes it had to cope with. Senior managers were aware of the problem and had set up a working group to discuss installing a new system. Mr Kay said the council had sent TK Maxx a letter in 2003 giving them advice on how to unblock the belt. "This was an accident waiting to happen," he added. The court heard the conveyor belt has now been lowered to

prevent blockages. Judge Paul Glenn fined TK Maxx £50,000 and ordered it to pay £9,887 costs. He said the company deserved credit for its early guilty plea, full co-operation with the investigation and the steps taken since the accident to remedy the problems.

- [The Sentinel](#).

Firm pays for ignoring falls warnings

A Liverpool construction company has been fined for failing to implement safe systems for working at height despite repeated official warnings. Maghull Construction Company Ltd was fined £3,000 and ordered to pay £1,908 costs after pleading guilty at Southport Magistrates court to breaches of the Work at Height Regulations 2005. After a tip off from a member of the public, a Health and Safety Executive (HSE) inspector visited a Maghull construction site and found problems including inadequate edge protection and missing guardrails and toe boards. A prohibition notice required work to stop near open edges until suitable measures to prevent falls were in place. When the inspector revisited the site over three months later she discovered similar problems and a second prohibition notice was served. HSE inspector Sarah Wadham said: "This company placed its employees at risk by not taking reasonable precautions to prevent accidents while working at height. After visiting the site I had such concerns about the dangers that I issued a prohibition notice to ensure the company met their responsibilities for the health and safety of their workers." She added: "Despite receiving written assurances that action had been taken to make the site safe, when I revisited it I again found serious breaches of health and safety practices and the company's own guidelines." Failure to comply with an HSE notice can result in a jail term.

- [HSE news release](#) and [falls webpages](#).

INTERNATIONAL NEWS

China: Mine explosion kills 105

Chinese officials say 105 miners are now known to have died in an explosion in a coal mine in Shanxi province in northern China on 6 December. State media said the managers of the mine have been arrested for causing the tragedy by mining a coal seam that had not been authorised for production. They also allegedly delayed reporting the incident for six hours while conducting their own rescue operation. The underground blast occurred at the Rui Zhiyuan mine in Shanxi province's Linfen city, state-run news agency Xinhua said. Xinhua said rescue workers believed managers at the mine had tried to launch a rescue operation by themselves, "which magnified the number of casualties." Li Yizhong, the minister who heads up the State Administration of Work Safety, is to lead an official investigation into the tragedy. Li criticised mine bosses, who abandoned the scene as the tragedy developed, and local work safety and coal mine authorities for providing sub-standard supervision and management. Three local work teams inspected the mine last month, but reported no problems. An average of 13 miners are killed every single day in China's coal mines. In August, 181 miners were killed when floodwater poured into a mine in Shandong province in the east of the country ([Risks 321](#)). Rising demand for energy and fuel means that owners and local officials often ignore safety issues in pursuit of profits.

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

Italy: Steel deaths prompt strike and safety call

Thousands of metalworkers downed tools and took to the streets of Turin on 10 December to protest against work-related injuries, after four workers died in a fire at a steel mill. The tragedy,

at a plant owned by German multinational ThyssenKrupp, caused an outcry in Italy, which has a fatality rate above the European Union average. Health minister Livia Turco and parliament speaker Fausto Bertinotti joined the protest and called for trade unions to be allowed to play a bigger role in overseeing work conditions. "Existing rules are sufficient but they must also be enforced," Labour minister Cesare Damiano told the newspaper *La Repubblica*. For this to happen, "unions must be allowed to negotiate work conditions." Prime minister Romano Prodi said "work accidents, along with road accidents, are the two biggest tragedies" in Italy. The fire also left three steelworkers with burns over 90 per cent of their bodies. As prosecutors opened an investigation into the cause of the fire, workers told investigators safety measures were slack. ThyssenKrupp said in July it planned to close the mill in Turin, which produces steel panels for the motor industry, but according to unions around 200 employees still work there in shifts totalling up to 12 hours a day. Fabbio Carletti, a representative with metalworkers' union FIOM, said the company was no longer interested in the plant and recently stopped paying attention to the workplace, workers and their conditions. A joint statement from national unions said: "We demand full and regular participation of the authorities in controlling workplace health and safety, the enterprises should adopt all the norms and necessary measures for controlling workers' health and safety and be fully responsible for their application. One should work to live, not to die."

- [Yahoo Finance. IMF news release.](#)

South Africa: Strike puts mine safety on agenda

A national strike by South Africa's mineworkers has focused the attention of government and mining firms on workplace safety. Over 200,000 miners are believed to have been involved in the action ([Risks 335](#)). Minerals and energy minister Buyelwa Sonjica said that the South African

mining industry still needed to do more in terms of achieving its own standards of safety and that, as a result, the department would look at “tightening the mine health and safety policy.” Over 200 fatalities have been reported in the country's mines this year. “At the end of the day, the culprit must be brought to book and at this stage we have not been able to bring the culprits to book,” said Sonjica. Chamber of Mines senior executive Frans Barker said the organisation would be engaging with the mining union NUM and the government in the coming weeks and months to develop “pledges and actions” in order to improve safety. Ahead of the strike, president Thabo Mbeki ordered a safety audit of the country's 700 mines.

- [Mining Weekly. Business Report](#) and related item on [South Africa's inadequate workplace compensation system](#). Chamber of Mines news release [[pdf](#)].

Thailand: Migrant project reveal work dangers

In theory, migrant workers in Thailand are granted the same occupational safety and health (OSH) protection as their Thai counterparts. But when Making Migrant Safety at Work Matter (MMSAWM) foundation volunteers ask migrant workers if they've ever known anyone who was injured - or maybe even died - at work, they say “yes”. And when they ask the workers if they've ever been in accident at work themselves, they say, “yes”. A foundation project has seen migrant workers undertake bodymapping, where an outline of a body is annotated to indicate where workers' hurt. By the end of the exercise, the drawings have invariably become colourful, post-it covered illustrations showing just how unhealthy work really is. MMSAWM volunteers have been doing what they can to improve the awareness of migrants about dangers at work and how to protect themselves. The organisation has produced safety materials in the Shan and Burmese languages for agricultural and construction workers, to be distributed to workers at outreach sessions where interviews and bodymapping sessions are conducted.

MMSAWM coordinator Andy Hall says the efforts can be frustrating, though, as the resources and technical expertise required for occupational safety training and education can be hard to come by. He hopes the work of MMSAWM can instil “a culture” that will empower migrants to pursue better workplace conditions themselves. “The calls for safety must start from the migrants themselves, but right now, they have no knowledge or forum to complain,” he said. Their work circumstances can be dire, according to a Bangkok Post report. “On fishing boats, dead bodies are thrown overboard; at construction sites, accidents are covered up and bodies burned,” it said. It added that half of 316 employers of migrants interviewed in a 2006 Mahidol University-ILO study, agreed with “locking migrants in at night so they don't escape.”

- [Bangkok Post](#) and [related story](#). [Bodymapping resources](#).

EVENTS AND COURSES

TUC courses for safety reps

COURSES FOR SEPTEMBER TO DECEMBER 2007

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

USEFUL LINKS

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