

Risks

TUC 

e-bulletin

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MAGAZINE

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Risks is the TUC's weekly online bulletin for safety reps and others, read each week by over 15,000 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](#)

Editor: [Rory O'Neill](#) of [Hazards](#) magazine. Comments to the TUC at healthandsafety@tuc.org.uk

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Union heat improve school ventilation

A long-running union campaign has won a multi-million pound improvement programme in Glasgow schools. Scottish teachers' union EIS had warned that schools across the city had inadequate ventilation systems, causing overheating, low humidity and uncomfortable, unhealthy teaching and learning conditions. The problem started six years ago, with an initial focus on six schools built for the council by 3ED consortium under a Public Private Partnership. "EIS safety representatives in the newly built Glasgow schools were diligent in raising the issues and ill-health effects of our members but were being met with absolute denials from their employer and 3ED," said EIS national officer Louise Wilson. The findings of a "methodologically flawed" council survey were rejected by the union, which instead commissioned its own consulting engineers. Their report confirmed the findings of the EIS safety reps – the ventilation systems in the schools vetted did not meet the minimum standards required by the building regulations. After a refusal by the council and 3ED to act on the findings of this report, EIS felt there was no alternative but to refer the matter to the Health and Safety Executive (HSE). Louise Wilson said HSE's investigation backed up the union safety reps and led to the safety watchdog demanding improvements to 29 schools – the six new builds and 23 refurbishment projects – that will cost millions of pounds. She said she hopes the council and 3ED will now finally "accept responsibility and share in finding and funding a solution."

- Too hot to handle? Scottish Educational Journal, volume 92, number 2, pages 18-21, EIS, 2008 [[pdf](#)].

Fourth 'unacceptable' EDF death

The union has criticised energy multinational EDF after the fourth death of an employee in a year. EDF Energy maintenance worker John Higgins, 59, died from the effects of burns and inhalation of toxic gases at an EDF sub station in Chelmsford on 7 May. GMB says Mr Higgins was a long standing and experienced EDF employee who was only a couple of months away from retirement at 60. The union is calling for on EDF Energy and the Health and Safety Executive (HSE) to launch an immediate investigation into the spate of deaths and says it wants action. GMB organiser Glen Holdom said: "This is the fourth regrettable fatality in EDF Energy Networks branch in a year. This is totally unacceptable. GMB and others unions are committed to ensure that this does not happen again." EDF said it was co-operating fully with the HSE and police inquiries into the latest fatality.

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

Gangmasters need policing everywhere

Construction union UCATT has renewed its call for the Gangmasters Licensing Act to be extended to the construction industry. The union was speaking out after a gangmaster lost its licence because the Gangmasters Licensing Authority (GLA) found this month it used "forced labour, intimidation and abuse" in the flower-picking sector. A UCATT investigation found the same gangmaster was operating in the construction sector. GLA took Jonathan Beckson's licence after it uncovered evidence of low pay, overcrowded accommodation and threats to the workers' families. Mr Beckson, the director Timberland Homes Recruitment, supplied a number of farms in Cornwall and Angus in Scotland with foreign, mainly Polish, workers. The gangmaster plans to appeal against the GLA decision. It was an investigation by UCATT's Eastern Region that uncovered the firm's construction links. Alan Ritchie, general secretary of UCATT, said "I cannot believe that a company which treated one set of workers so poorly is entirely above board and a good employer in another sector. It is crazy situation that the GLA is barred from investigating all aspects of this appalling company." The union said GLA is only able to investigate and license gangmasters operating in the agricultural, food processing and shellfish collection sectors. Even where a gangmaster is found to have broken the law in a sector within the GLA brief, it is not allowed to investigate its activities in other sectors beyond its remit. A recent survey undertaken by UCATT discovered that across Britain 28.2 per cent of construction sites had some level of gangmaster activity and that in London and the South East the figure was 69.7 per cent.

- [UCATT news release](#). GLA news release [[pdf](#)]. [BBC News Online](#).

Welsh firm canned on machine safety

A firm making cans has had to cough up compensation after a worker seriously injured his thumb. Unite member Gerald O'Reilly, 58, a machine operator at Impress Merthyr Tydfil Limited, secured £11,000 damages with the help of the union. A damaged can that jammed in the machine slashed through his gloves. "The machine severed the digital nerve in my right thumb; the pain was excruciating," Mr O'Reilly said. "If I'd been given the correct type of industrial gloves, the can wouldn't have cut through. I still suffer from pain, numbness, pins and needles and reduced grip which is very frustrating given the work I do, and the fact that I show pedigree Chow dogs." Unite regional secretary Andy Richards commented: "Impress Merthyr Tydfil Limited failed to properly maintain the equipment which Mr O'Reilly was working on. The dangerous can and the lack of proper hand protection made the equipment unsafe. We hope this settlement will encourage other employers to sit up and take note and ensure that they are compliant with the various regulations which are there to protect employees like our member Mr O'Reilly." Eamonn McDonough from Thompsons Solicitors said: "Gerald O'Reilly's employer Impress was clearly in breach of its duty of care and as a result, he suffered totally unnecessary injuries and financial loss. He had to have many weeks off work initially and due to further symptoms was off work again months later."

- [Thompsons Solicitors news release](#).

Rubbish slip leads to rail payout

A train driver has secured nearly £6,000 compensation from Northern Rail following a serious back injury caused as he stepped onto discarded rubbish. As ASLEF member Peter Kelly, from Selby, North Yorkshire, boarded a train, he stepped on rubbish that had been thrown onto the train but not cleaned up. The 49-year-old fell backwards onto the platform and badly injured his lower back. "The pain in my back was really bad but I didn't go to hospital straight away as I hoped it would settle," he said. "We were due to go on a family holiday to the US a week later and I hoped the pain would subside, but it didn't and my holiday was ruined. When we returned, I went straight to Selby War Memorial Hospital where they treated me. I had quite a bit of time off work and even now I still have to take painkillers and can only walk short distances." ASLEF official Nicky Whitehead commented: "For a train driver and other staff, the train is their workplace and Northern Rail know only too well that they are obliged to clean the train adequately in order to provide a safe working environment. If they had done so, our member Mr Kelly would have avoided injury." His legal adviser Keely Goldup, provided by the union, said: "There are clear guidelines – known as Workplace regulations – which spell out the steps that should be taken by employers. In this instance, Northern Rail flouted their obligations and are paying the price."

- [Thompsons Solicitors news release.](#)

Other news

HSE's 'shocking' failure costs lives

There is growing concern that the Health and Safety Executive (HSE) is failing at its job, the Observer newspaper has reported. HSE has reduced the number of its inspectors by around 25 per cent in five years from 916 to 680. Firms on average face an HSE inspection just once every 14½ years. Meanwhile the number of policy officers the HSE employs has more than doubled from 38 to 87, the paper reported. Senior MPs are concerned that the HSE last year underspent its budget by £12m and fear an imminent relocation out of London will see it lose valuable experts ([Risks 353](#)). Alan Ritchie, general secretary of the construction union UCATT, commented: "The shocking failure of the HSE has literally cost the lives of members of my industry. It is imperative that someone gets a hold of this organisation and ensures that funds are spent on front line inspections. That is what saves lives and prevents accidents." The Observer said HSE's decision to stop publishing its annual 'Offences and Penalties' report three years ago has resulted in a paucity of information, its absence limiting the scope for independent analysis and interrogation of HSE enforcement statistics. Next month MP's will debate a private member's bill aiming to raise what has been described as the derisory level of fines levied on firms guilty of serious breaches.

- [The Observer](#) and [related article](#). [Bromley Times](#).

Fumes death boss is fined but free

A company boss has been cleared of the manslaughter of a worker who died after inhaling poisonous fumes – but was fined £17,500 for a health and safety breaches. John Beckett, 44, was accused over the death of “right hand man” Dean Cox. The 21-year-old was found slumped over a vat of chemicals used to strip alloy wheels at Wolverhampton firm A1. Judge Richard Griffith Jones entered a not guilty verdict on the charge of manslaughter by gross negligence after Beckett’s lawyers argued there was no case to answer. The judge, however, said Mr Cox had died because of the boss’s failings. “One of the obvious and serious aggravating features is that a young man’s life was risked and then lost as a result of your failure to ensure a safe system of work was applied,” he said. Beckett admitted a health and safety offence at Warwick Crown Court. Prosecutors alleged a “cavalier” attitude was taken to safety. Beckett, said to be “profoundly distressed” during questioning, said he never felt ill because of fumes at work, nor had anyone reported any problems. He said: “Nobody’s ever come to me and said ‘I don’t feel very well and I don’t like how we’re working. If they had done, I would have done something about it.’” Dean Cox’s mother Karen, along with husband Malcolm, gave evidence about how Dean’s health appeared to have suffered while he was working at A1. She said her family had been “torn apart with grief” by her son’s death, and the heart and soul of the family had been “ripped out”. Mrs Cox added: “He did not deserve to die due to the lack of care and supervision by the boss who was totally responsible for ensuring the safety of his employees.”

- [Express and Star](#) and [related story](#).

Fines not jail time for guilty managers

A court has fined two contractors and two individuals after a German worker died at a depot in Worksop, Nottinghamshire – but a manager was found not guilty of manslaughter. Hans Zdolsek fell 8.5m while he was working at the Wilkinsons distribution centre in February 2004. The firm has used plastic tie-wraps to secure a guard rail. Main contractor Siemens Dematic, now known as Oldbury (Banbury), was fined £100,000 and ordered to pay £47,000 costs at Nottingham Crown Court. Racking installation contractor Stow (UK) was fined £80,000 and ordered to pay costs of £41,000. Meanwhile Siemens Dematic project manager David Hill was found not guilty of manslaughter but received a £2,500 fine with £500 costs for a breach of the Health and Safety at Work Act. The site’s health and safety director David Hastie received the same penalty. He admitted he knew plastic tie-wraps were being used to secure guardrails but did nothing to intervene. The sentences come after a joint prosecution by Nottinghamshire Police and the Health and Safety Executive.

- [Building](#). [Contract Journal](#).

Tribute to Stockline blast victims

The fourth anniversary of the ICL Stockline disaster was marked on 11 May at the memorial garden outside the factory where nine people died in one of Scotland's worst industrial tragedies. Families of the victims were joined by the local community as more than 100 people turned up at a short ceremony at the site in Maryhill, Glasgow. Members of Strathclyde Fire and Rescue, officials from the STUC and representatives and congregation members from local churches showed their support for the families of the five men and four women who died. They were killed on 11 May 2004, when a massive explosion caused the building to collapse. Lord Gill will preside over a two-part public inquiry into the tragedy. Part one will begin on 2 July and will examine the circumstances surrounding the explosion. Part two, commencing on 14 October, will focus on lessons that can be learned from the disaster and will make recommendations on how to avoid such a tragedy in future. ICL Tech and ICL Plastics were last year fined £400,000 after they admitted breaches of health and safety law. A build-up of liquified petroleum gas, leaking from a corroded pipe, led to the explosion at the factory.

- [Glasgow Evening Times](#). [The Herald](#). [ICL Stockline disaster website](#).

Rail firms fined after worker loses leg

Three rail companies have each been fined £200,000 after a worker was electrocuted, suffering horrific injuries. Richard McBride was one of three men working on an overhead electric line at Marston Green during modernisation work to the West Coast Main Line route in July 2003. He narrowly avoided death but suffered terrible injuries and his lower leg had to be amputated after he received a massive 25,000 volt shock from a still-live cable. He received 30 per cent burns over his body. Rugby-based Elec-Track Installations Ltd, which employed the three men, pleaded guilty to a criminal breach of safety law. The charge detailed that the firm, now called Hythe Realisations, failed to ensure the safety of its employees while they were working on overhead rail lines. Balfour Beatty and GT Rail Maintenance, which had formed a joint venture to carry out the work, entered guilty pleas to failing to ensure that persons not employed by them were not exposed to risk. In addition to their fines, both firms were ordered to pay £21,000 costs. The three companies were each fined £200,000 by Judge Christopher Hodson, sitting at Coventry Crown Court. Passing sentence, the Judge said the firms were guilty of systemic failings and their performance fell very significantly below the expected standard. The prosecution was brought by the Office of Rail Regulation (ORR). Commenting on the case, Allan Spence, deputy chief inspector of railways, said: "With such a high risk activity, there should have been a robust permit to work system confirming it was safe to start work. Instead, the system these companies used was a short cut. That short cut tragically led to confusion and, in turn, to the awful burn injuries to this worker."

- [ORR news release](#). [Birmingham Post](#).

Building firm fined £10k for employee fall

A Sunderland building firm has been fined £10,000 after one of its workers was injured falling 2.8m from rafters onto a concrete floor. South Tyneside Magistrates' Court fined Murray Construction and Development Ltd £10,000 after the company pleaded guilty to breaching the Health and Safety at Work Act 1974. It was also ordered to pay a compensatory award of £5,000 to the injured worker, £1,414 costs and a £15 victim surcharge. When the incident occurred, three employees of the firm were working on the construction of a new house and moving one of the rafters to accommodate a roof window. One man, standing on a joiner's stool, lost his balance and fell. He suffered serious injuries and has been unable to return to work in the year since the fall. HSE inspector Michael Brown, who investigated the incident, said: "Companies must assess the risks from work that they are undertaking at height and make sure that suitable measures to prevent a fall are in place. All work at height should be planned, organised, supervised and carried out by competent persons." He added: "They should take steps to avoid, prevent or reduce risks, choose the right work equipment and take collective measures to prevent falls, such as guardrails and working platforms, before other measures which may only mitigate the distance and consequences of a fall, such as nets or airbags, or which may only provide personal protection from a fall. Had this happened this worker may not have been injured."

- [HSE news release](#). [Contract Journal](#). [Building](#).

TUC slams CBI's sick response

The CBI should quit its bellyaching about sickness levels and do something to make work less sickening, the TUC has said. Commenting after the publication of employers' organisation's annual absence survey, TUC said the CBI should acknowledge sickness rates are falling and instead of making claims about the cost of "sickies", should instead encourage employers to address the unhealthy workplaces and work practices that are making workers sick. The CBI report said sick leave cost UK businesses £13.2 billion last year, with workers taking an average of 6.7 days absence for illness. CBI said about one absence in ten is believed to be a sickie – days taken without a legitimate reason – costing the UK economy £1.6bn a year. However, TUC general secretary Brendan Barber said: "This survey shows that sickness absence in the UK has fallen once again and is now at one of the lowest levels in recent years. The figures smash the myth that Britain is a nation of shirkers, with workers always on the lookout for an excuse to pull a 'sickie'. In fact the reverse is true and many people still struggle into work when they are far too ill to do so." Mr Barber added: "It is not surprising that the areas with the highest sickness absence figures are also those with the highest injury or work related ill-health rates such as construction and health care. It's time employers stopped blaming workers for taking time off sick and instead tried working with unions to see how their workplaces can be made more healthy."

- [CBI news release](#). [Personnel Today](#). [Scotsman](#). [The Guardian](#).

Workforce involvement is 'essential' offshore

Everyone working in the offshore oil industry has a part to play in driving up safety standards in the sector, the Health and Safety Executive's (HSE) top offshore official has said. Nearly 200 participants heard the message at HSE's 'Play Your Part' offshore workforce involvement day held last week at Edinburgh's Murrayfield Stadium. The event - the first of its kind - was organised by the Workforce Involvement Group (WIG), a sub-group of HSE's Offshore Industry Advisory Committee (OIAC). Ian Whewell, head of HSE's offshore division and chair of OIAC, said: "It is essential that the offshore workforce is fully involved and is enabled to play its part in securing improvements in safety. In this the year when we remember the 20th anniversary of the Piper Alpha tragedy it is opportune to remember the importance Lord Cullen attached to this in his report on the disaster." The 1988 oil platform disaster claimed 167 lives. "The regulations introduced as a result provide a framework for involvement but I am still concerned that many offshore companies are not using safety representatives and safety committees effectively and not fully using the potential for real improvement which could be achieved by doing so," HSE's Ian Whewell said. "I hope companies will take the opportunity afforded by this conference to commit to real improvements in the way the workforce can be involved and demonstrate that commitment by agreeing to work with HSE and the trades unions to do so."

- [HSE news release.](#)

Another Turner and Newall death

The family of a former Turner and Newall (T&N) employee has received compensation of over £28,000 after their sister died from the lung disease asbestosis. The unnamed 83-year-old from Cheshire developed the disease after working at T&N's Widnes factory for 40 years. The woman, who had two sisters and a brother, was responsible for cleaning machines at the factory. She was forced to take early retirement at 57 due to a worsening skin condition, which her doctor said was caused by working with asbestos on a daily basis. But when she died in February 2006 she was unaware she was suffering from asbestosis, a debilitating lung disease also caused by exposure to asbestos. It was only discovered during an inquest following her death, which ruled she had died from pneumonia and asbestosis. Jennifer McDermott of Thompsons Solicitors represented the family. She said: "We are pleased we have been able to settle this claim on behalf of the deceased family. It is important that other victims of asbestos related disease caused by exposure from companies within the Turner & Newall group should be aware that they may be entitled to compensation. Claims can be made to the Trust on behalf of living and deceased victims of asbestos related disease." For decades, Turner and Newall was a leading lobbyist against more stringent asbestos regulations. When its US parent company, Federal Mogul, went into a 'bankruptcy-of-convenience' in 2001, payouts were frozen. A trust was subsequently created to pay UK compensation claims, but settlements are generally only a small fraction of the amount due.

- [Thompsons Solicitors news release.](#)

Widow receives asbestos compensation

A Welsh widow has received £115,000 in compensation after her husband died of the asbestos-related cancer mesothelioma. The woman, 51, who does not wish to be named, received the damages after her electrician husband died just three weeks after being diagnosed with the disease. He was exposed to asbestos in the late 1940s and early 1950s while working for Metro Cammell at their carriage works in Birmingham. He was also exposed during the 1960s while working for James Stott & Company, based in Oldham. She said: "When he was diagnosed with mesothelioma it was a shock. We were told it was terminal and that he would have a matter of months to live but he only survived three weeks. He died just a few days after our silver anniversary." She added: "I did not start the claim until after he died. He would be really pleased to know I've now received compensation." The widow's legal adviser, Joanne Candlish of Thompson's Solicitors, said: "Although compensation can never make up for the loss of a loved one it can fulfil a sense of justice for the family members and provide them with much needed financial assistance."

- [Thompsons Solicitors news release.](#)

Insurers threaten Scots asbestos payout plans

Insurance companies have threatened legal action against the Scottish government if it passes legislation allowing people with certain asbestos-related health conditions but who are not seriously ill as a result to sue for damages. Last year, the House of Lords ruled that people with "pleural plaques" - a thickening of lung tissue caused by exposure to asbestos fibres - should no longer be able to claim compensation. It ruled that because the plaques are not in themselves harmful and cause no physical symptoms, only anxiety, they do not merit damage payments. Kenny MacAskill, the Scottish justice secretary, promised to introduce legislation at Holyrood reversing the ruling and setting Scotland apart from the rest of the UK. Insurance companies are now saying the bill would fundamentally change the law on damages in Scotland, allowing people to sue employers for "exposure only" to potentially harmful material, regardless of whether they suffered actual harm. A Scottish government spokesperson commented: "The justice secretary has made clear his commitment to ensure that those who suffer the effects of asbestos as a result of our industrial past are able to claim for damages. The bill will bring some relief to people living with this condition."

- [The Times.](#)

Global: Exposing Grupo Mexico's worker abuses

When multinational firms behave badly, putting the lives and livelihoods of their workers at risk, they usually do this unseen by outside eyes. Not any more. Unions are harnessing the internet to expose wrongdoing and as a focus for campaign action. In the latest example, the United Steelworkers union (USW), which organises workers in the US and Canada, has created a website to expose the business practices of Grupo Mexico. The massive Mexican conglomerate has this year victimised workers taking action against appalling health and safety standards in one of the world's largest copper mines ([Risks 340](#)). USW says its new webpage will educate the public about Grupo Mexico's conduct regarding its workers both at home and abroad, as well as examining other impacts like damage to the environment and the way the company conducts its business. "There have been several excellent reports and videos created by a number of groups recently that examine Grupo Mexico's behaviour over the course of many years, and the USW has gathered those documents into one place," said Terry Bonds, USW director of District 12. "USW members working for ASARCO in Texas and Arizona are familiar with Grupo Mexico's record; we feel the public should be as well."

- [USW news release](#). [The record speaks for itself website](#).

USA: Put death mine bosses in the dock

The mine manager and other senior staff at the Crandall Canyon coal mine in Utah hid information from US federal mining officials that could have prevented the disaster and should face criminal charges, a congressional committee said. Last August, six miners and three rescue workers died after the mine collapsed ([Risks 319](#)). In a report released last week, the House Education and Labor Committee said the mining company's plan to remove coal was flawed and should never have been submitted, and that the Mine Safety and Health Administration (MSHA) should never have approved it. The committee referred its findings to the US Department of Justice for possible criminal prosecutions. In a statement, president of the mineworkers' union UMWA Cecil Roberts urged the Justice Department "to fully and completely investigate these matters, without regard to where that investigation may lead." The report is the third faulting the mining company and federal officials for the disaster. The US Department of Labor's inspector general found that MSHA was "negligent" when it approved the mining plan. Two months ago, the US Senate's Health, Education, Labor and Pensions Committee reported that MSHA failed to protect the Crandall Canyon miners by "rubber-stamping" a dangerous mining plan. The bodies of the six miners killed in the tragedy remain entombed in the mine.

- [AFL-CIO Now blog](#) and [YouTube coverage of the committee findings](#). [UMWA news release](#). Congressional Committee report summary [[pdf](#)]. [New York Times](#).

Resources

Solutions to the cancer epidemic

A new book, 'Cancer: 101 solutions to a preventable epidemic,' lays out a preventive response to cancer risks in a clear and accessible manner. The Canadian publication shows how you can stop cancer by eliminating the carcinogens in your home, your school, your community, and your workplace and how you can work with others to make the world safe for yourself and your children. This is not an occupational cancer prevention guide, it is a cancer prevention guide. But many of the major causes – air pollution, pesticides on food, chemicals in water – all start in the workplace and make for a double dose for many workers, at home and at work. The book takes a positive, solutions-based approach; its pages are filled with practical advice and success stories that will inspire readers to take action to protect their families, their communities, their fellow workers and future generations. It talks about making alliances and demonstrates how they can and do work. Each solution is laid out on two pages with websites for follow-up – there are over 1,000 web links included its fact boxes. The book includes sets of solutions for individuals, parents, youth, action groups, healthcare agencies, cities, unions, businesses and governments. As unions worldwide campaign to banish occupational cancer risks from the workplace, this is a useful, accessible and sympathetic book worthy of a place on any safety rep or union official's book shelf.

- [Cancer: 101 solutions to a preventable epidemic](#), Liz Armstrong, Guy Dauncey, and Anne Wordsworth. ISBN 978 0 86571 542 4. £12. New Society Publishers, Canada.

Events and Courses

Getting on top of long hours seminar, London, 5 June

How do we tackle the health and social damage caused by long working hours? 'Tired? Getting on top of long hours', a 5 June afternoon seminar organised by the Institute of Employment Rights (IER), aims to answer this question. IER says inadequate enforcement mechanisms and too many opt-outs undermine the existing working times regulations, so the law should be strengthened. It says this can be achieved by challenging bad employment practices in the courts or by winning parliamentary changes to the law. But it says to succeed with either approach "you need information on the strengths and weaknesses of the Regulations." The IER seminar will examine: The original purpose of the directive and the rights it provides; the impact the UK Working Time Regulations have had on Britain's long hours culture; and what improvements can be made to the current regulations.

- 'Tired? Getting on top of long hours', Thursday 5 June 2008, 1.30pm to 4.15pm at the UCU Conference Centre, Britannia Street, London WC1. Cost: IER subscribers and members £45; trade unions £60; commercial £120.00. Further information: phone 0151 702 6925, [online](#) or [email](#).

TUC courses for safety reps

COURSES FOR APRIL TO JULY 2008

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

Useful Links

- Visit the TUC 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.
- What's new in the [HSC/E](#) and the [European Agency](#).
- [HSE Books](#), PO Box 1999, Sudbury, Suffolk CO10 2WA. Tel: 01787 881165; fax: 01787 313995

The person responsible for the Risks e-bulletin is Hugh Robertson
T: 0207 467 1276
E: healthandsafety@tuc.org.uk