

Risks

TUC 

e-bulletin

Number 359 – 7 June 2008

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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](#)

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Court challenge to cancer payouts

A nine-week battle started this week in the High Court and will see insurance companies seek to evade liability for a large number of asbestos compensation payouts. The court will decide whether insurers are liable for damages from sufferers' first exposure to asbestos, or from when they become ill. Commenting on the insurers' legal challenge, Unite joint general secretary Derek Simpson said: "The union is supporting this test case to protect the right of mesothelioma sufferers and their families to obtain compensation, and to make sure that insurance companies pay out on behalf of the employers they insured when workers were being negligently exposed to asbestos. " Unite is supporting the family of mesothelioma victim Charles Michael O'Farrell, who had been awarded compensation of £152,000. The insurers, however, refused to pay up and instead launched a legal challenge. Adrian Budgen of law firm Irwin Mitchell, which is also representing asbestos sufferers in the case, said: "In essence, some insurance companies are trying to suggest that, due to the wording of the insurance policies they sold, they should not be responsible for paying any compensation for the disease, purely due to the fact that it did not develop until years after the negligent exposure occurred." He added: "It will also leave employers who are still trading without the insurance cover they believed they had purchased over the years."

- [Unite news release](#). [Irwin Mitchell Solicitors news release](#). [Thompsons Solicitors news release](#). [The Guardian](#). [BBC News Online](#). [The Times](#).

Dismay at ICL inquiry means testing

The families of those killed in the May 2004 ICL/Stockline disaster in Glasgow have voiced concern over plans to means test those wishing to have legal representation during the forthcoming public inquiry. Speaking on behalf of the families, STUC's Ian Tasker said: "The families are totally dismayed at the decision to apply means testing to assess if they will have access to legal representation at the public expense. They are also extremely angry at the failure of cabinet secretary for justice, Kenny MacAskill, to deliver his commitment to the families, made at a meeting on the 14 May, to contact the Westminster government to resolve the situation." Mr Tasker added: "The families are demanding the Scottish government act quickly to rectify this situation and provide an explanation as to why no such representation has been made in the fortnight since we met the cabinet secretary." Nine died in the factory explosion, caused by a poorly maintained liquefied petroleum gas pipe. A September 2007 independent report into the disaster concluded that health and safety standards at the ICL factory in Maryhill, Glasgow were seriously deficient and that workers were "actively discouraged" from raising safety concerns.

- [STUC news release](#). Ministerial declaration [[pdf](#)]. [ICL/Stockline independent report and campaign website](#).

Union cover protects injured cyclist

A former British Energy employee from Selby, who was knocked off his bike on his journey home from work and suffered a stroke, has secured over £200,000 in compensation. Unite member Dr Glyn Powell worked for British Energy as a control operator based at their Eggborough Power Station. The 58-year-old almost died as a result of the injuries sustained when he was hit by a 40-tonne road sweeper. He explained: "I was involved in an accident on my way home from work when I was knocked off my bicycle, from behind, by a roadsweeper. I suffered injury to the back of the head and severe bruising to the back of my body." He lost consciousness, with subsequent hospital tests confirming he had suffered a stroke at the crash site. The defendant in the case was Yorkshire firm RK & CE Smallwood, who operated the road sweeping equipment. Dr Powell commented: "I've been an active trade union member for over 30 years and I would encourage everyone to join a union. I have nothing but praise for their excellent legal team." After a spell in a rehabilitation centre, he returned home and after five months was back at work part-time on light duties, gradually working his way back to full-time. After a year, however, his physiotherapists said working was making his condition worse and British Energy pensioned him off. He was left with a £24,000 a year shortfall between the pension he was allowed and his usual salary. Unite regional secretary Davey Hall said "members like Dr Powell can rest assured that the union's legal service also protects them if they are injured in non-workplace accidents too, as this case highlights."

- [Thompsons Solicitors news release](#). [The York Press](#). [Yorkshire Evening Post](#).

Boris blamed for booze ban beatings

London mayor Boris Johnson owes a personal apology to every one of the London Underground staff assaulted, abused and spat on during 31 May's alcohol-fuelled violence, rail union RMT has said. At least six staff were physically assaulted and another 50 spat at or verbally abused during a booze party on the Circle Line organised to mark the introduction of what RMT has described as a "half-baked" alcohol ban imposed without consultation with Tube staff. "Johnson should apologise personally to all those who were assaulted and abused... thanks to a half-baked gimmick designed solely as a publicity stunt and without a moment's thought for the people told to implement it," RMT general secretary Bob Crow said. "We have made it clear that RMT will support any measure that reduces anti-social behaviour and makes our members' lives safer, but this ban was imposed in haste without consultation with Tube staff." The RMT leader added: "RMT's advice to its members is quite clear: if they believe they are at serious risk they should exercise their right to refuse to work, to take trains out of service or close stations as appropriate, and their union will support them every inch of the way."

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

Union backs criminal attack fund

A fund to provide financial assistance to security employees who suffer serious injury as a result of a criminal attack at work has been launched. The initiative by security firm G4S Cash Services (G4S) and the union GMB was unveiled this week. The Criminal Attack Fund (CAF) will make awards to affected workers and is fully financed by contributions made by both the company and its employees. GMB said CAF was launched against a backdrop of attacks on those working in the cash-in-transit (CIT) industry. National officer Gary Smith commented: "This groundbreaking scheme will mean that any of our members seriously injured at work can get access to some financial support. This is an industry first and we really welcome it." And G4S chief executive Ian Nisbet said: "I am extremely pleased that this joint initiative between the G4S and the GMB has enabled us to put in place a substantial fund for the benefit of our employees. We are constantly striving to reduce the number of attacks, but when attacks do occur, the safety and welfare of our staff is paramount. The Criminal Attack Fund will be an important safety net for any member of staff who has the misfortune to suffer a life-changing injury while doing their job." An employee who suffers "life-changing injuries" as a result of a criminal attack will be able to apply to the fund for an award. The amount awarded will be decided by the CAF's board of directors, made up of an equal number of representatives from GMB and G4S.

- [GMB news release](#). [G4S news release](#). [Channel 4 News](#).

Ticket office cuts will hurt safety

South West Trains (SWT) has been accused of putting profits before safety after revealing plans to cut ticket office opening hours at more than 100 stations. Gerry Doherty, leader of the TSSA rail union, said the cuts will make stations unsafe and lead to a worse service for passengers. "There is absolutely no justification whatsoever for these cuts which will leave dozens of stations with no ticket offices in the evenings and at the weekends. This will mean that stations will be an unsafe environment with passengers feeling a lack of security, particularly when they are travelling at night." The union says it has been told SWT plans to cut ticket office hours at 114 stations on the services it runs from London's Waterloo station throughout the south west. The union general secretary called on MPs and passenger groups to join in a campaign to keep the offices open. He said: "Stagecoach have been making huge profits from its rail franchises. It should not be allowed to increase them further by cutting the services it provides to its passengers."

- [TSSA news release](#).

Other news

UK bids to weaken formaldehyde standard

The UK government has attempted to undermine a proposed new European exposure limit to protect workers from a chemical linked

to allergies and cancer. Commenting on new standards agreed last week by the European Commission's Advisory Committee for Safety and Health at Work, the European Trade Union Confederation's (ETUC) research arm, ETUI-REHS, reported: "The German and British governments actively supported the formaldehyde industry's campaign, while the other governments were divided. Formaldehyde is a carcinogen that causes nose and throat cancers and leukaemia, amongst other things, and is used in many industries (wood, textile, chemicals, food processing, etc.) and in hospitals." ETUI-REHS added that "the British and German governments are quite likely to try and lean on the Commission again" to get the standard dropped before it receives final approval. Unions had backed the new standard at the advisory committee, and employers' organisations had been opposed. This is not the first time the UK authorities have been accused of adopting the industry line on formaldehyde. In 1997, Hazards magazine revealed the Health and Safety Executive had leapt to the defence of the MDF industry after unions called for a ban on formaldehyde-containing MDF boards. Since then unions in Australia and the US have pressed for low- and no-formaldehyde boards ([Risks 306](#)). Action to reduce the formaldehyde risk to construction workers and those in board manufacturing factories is also a priority of the global construction union federation BWI.

- [ETUI-REHS news report. Fatal failings on formaldehyde](#), Burying the evidence, Hazards magazine, number 92, 2005. [Global Unions zero cancer campaign](#). [BWI cancer prevention resources](#).

Stress inaction requires enforcement action

The TUC has welcomed new research showing how managers can take action to prevent workplace stress, but has said those who don't get the message should face a genuine prosecution risk. The research - jointly funded by the Chartered Institute of Personnel and Development (CIPD), the Health and Safety Executive (HSE) and Investors in People (IIP) - is part of a three-year project to identify the management behaviours that will help organisations reduce stress at work and comply with the HSE stress management standards. Ben Willmott, employee relations adviser at the CIPD, said: "Employers that invest in training and developing their managers to ensure they exhibit the behaviours that manage stress at work will also reap benefits in terms of reduced conflict and staff turnover, as well as increased motivation and commitment." TUC general secretary Brendan Barber commented: "While this research is interesting and useful, the sad fact is that more and more people are having their health damaged by stress in the workplace. The only way the tide will be turned is if the HSE and local authority regulators start taking the issue seriously and prosecute the worst offenders." He added: "Excessive workplace stress is easily preventable if employers follow the HSE's management standards, and the key to changing behaviour is a strong regulatory framework supported by support, education and enforcement. Until we treat stress the same way we treat other workplace hazards and prosecute the worst employers it will continue to be the biggest cause of work-related injury."

- [CIPD news release](#). [TUC news release](#).

Bus firm failed to learn deadly lesson

A bus firm that missed "blindingly obvious risks" even after experiencing a workplace fatality has been fined £60,000. The London Central Bus Company Limited was prosecuted following an incident in which employee Omar Maouche fell into a pit and suffered spinal injuries, just over a year after another employee died in similar circumstances. The bus firm was also ordered to pay costs of £15,347 at the Old Bailey after pleading guilty to a safety breach. On 21 October 2005, Mr Maouche, a bus chassis cleaner, fell into a vehicle inspection pit as he attempted to use a partial pit cover as a bridge to cross from one side of the pit to the other. He suffered compression of the spine, which has severely affected his working life since. Health and Safety Executive (HSE) inspector Loraine Charles said: "On paper, London Central Bus Company had a reasonable system for controlling risks to their employees but they failed to properly implement it." She said the failings in this case were compounded by the fact that another of the company's employees died after falling into a vehicle pit at the same garage in July 2004. "They failed to focus on areas of danger and missed what the judge, in this case, described as 'blindingly obvious risks'," she said. "The company were aware, following the previous fatal incident, that risks arising from work around vehicle pits were significant and potentially fatal but failed to ensure that they had identified and addressed all tasks where such risks arose."

- [HSE news release.](#)

Fined transport firm loses its appeal

A transport firm fined for safety failings that led to a worker being seriously injured has lost its appeal against the penalty. Harris Transport Ltd failed in its 2 June bid at Southampton Crown Court to overturn the £28,000 fine imposed in January 2008. The company now has to pay the fine in full and has incurred additional court costs of £5,300. Lee McMahon suffered severe injuries to both legs when he was run over by a forklift truck whilst working at Harris Transport in Southampton. A Health and Safety Executive (HSE) investigation discovered a breakdown in the firm's health and safety management. Ray Kelly, the HSE prosecuting inspector, said: "This case illustrates how easily normal workplaces can become incident scenes when health and safety management systems breakdown. Some 15 months after the incident, Mr McMahon is still in great pain, unable to work, and never likely to again. The HSE were very disappointed that Harris Transport Ltd felt the need to challenge the original penalty, which had followed a very serious incident, resulting in the permanent disablement of one of their employees."

- [HSE news release.](#)

Six figure fine for mechanic's death

A Staffordshire vehicle maker has been fined £166,000 for health and safety violations after a 39-year-old mechanic was crushed to death. Simon Rose, a field engineer at Dennis Eagle Limited, was trying to cure a brake fault on a bin wagon at a council depot, Stafford Crown Court heard. He had wedged bricks under the wheels but had left the vehicle in gear with the engine running while working underneath it. The brake released, the vehicle moved forward and he was crushed. Warwick-based Dennis Eagle Limited admitted failing to ensure employees were not exposed to risks. The firm was also ordered to pay £22,612 costs. An investigation into the death of Mr Rose revealed that he was an experienced engineer who was competent in problem-solving and was working in a logical way to solve the handbrake problem. However, Dennis Eagle had failed to carry out a suitable risk assessment resulting in inadequate information and instruction to its field service engineers, who worked from service centres across the country. Supervision of the engineers was also found to be inadequate. No chocks had been provided to allow employees to work safely under vehicles so Mr Rose was using two pieces of brick as an alternative. Commenting on Mr Rose's death in the May 2006 tragedy, HSE inspector Lyn Spooner said: "This case demonstrates the importance of not leaving workers to their own devices... had Dennis Eagle complied with legal duties, his death would have been avoided."

- [HSE news release](#). [Express and Star](#). [Coventry Telegraph](#).

Freight firm fined for lorry driver death

A transport firm has been fined £22,000 after a lorry driver was killed. Martyn Simm, 45, was killed in March 2006 when a defective sliding metal gate weighing 0.4 tonnes fell onto him as he was closing it, at the company's site in Chesterton, Newcastle-under-Lyme. Berser International Cargo Services Ltd was also ordered to pay costs of £18,000 having pleading guilty at an earlier hearing to a breach of the Workplace Health, Safety & Welfare Regulations 1992. It admitted failing to "maintain equipment and devices (including the access gates to the premises) in efficient working order and in good repair." HSE inspector Rachel Bradshaw commented: "Basic maintenance of equipment is often ignored by employers and lives are put at risk as a result. There was a very obvious defect on this gate that a simple visual check would have identified. A few moments work and simple modifications would have prevented this tragedy from occurring."

- [HSE news release](#).

Council hit with £1,500 penalty after fall

Oldham council has been fined £1,500 after a worker broke his arm in a fall. The council was also ordered to pay £5,382 costs after pleading guilty at Trafford Magistrates' Court to two breaches of the work at height regulations. The court heard a gardener had been applying anti-vandal paint to the roof of a new bowls pavilion when he fell while getting down. Commenting on the February 2007 incident, HSE inspector Helen Jones said: "This incident could have

had even more serious consequences and could have been easily prevented. The gardener climbed onto the roof of the new bowls pavilion from a grass bank at the rear. He could have fallen more than 2 metres while working on the roof, but slipped as he was getting off, breaking his arm." She added: "A proper assessment of the risks should have been carried out before the work started to identify the simple precautions needed to ensure safe means of accessing and descending, and working on the roof. This case should serve as a lesson to others that procedures need to be followed to properly control risks."

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

Unions welcome super-lorry ban

The TUC and rail union RMT have welcomed a government decision to not allow giant 'super-lorries' on Britain's road. Commenting after the announcement by transport secretary Ruth Kelly, RMT general secretary Bob Crow said: "This is the right decision for a host of reasons that show quite clearly that longer, heavier vehicles are simply not viable." He added the larger vehicles "would be bad for the environment and for safety, and would require massive new spending on roads that should be going into developing more sustainable modes of transport." TUC general secretary Brendan Barber said: "The government is right not to allow the huge 60-tonne super-lorries onto our roads." He added that as well as increasing carbon dioxide emissions by diverting freight from rail to road, "super-lorries would have introduced a whole new range of safety risks onto our already overcrowded road network."

- [DfT news release](#). [RMT news release](#). [TUC news release](#).

Bugs make a meal of oil rig workers

North Sea oil workers on an accommodation barge have faced a very unwelcome new house guest – an outbreak of bed bugs. Pest control specialists have been flown out to the Safe Bristolia flotel to rid the vessel of the infestation. Workers on the 600-bed barge, which provides accommodation for the Conoco-Phillips-owned Britannia platform, complained to bosses. The flotel sits 170 miles north-east of Aberdeen and is understood to have been brought from Singapore last month. One worker said: "The flotel is in a state and people have even said there are cockroaches going around as well. To have to put up with something like bed bugs in the North Sea in 2008 is a disgrace." A Conoco-Phillips spokesperson said: "Traces of bed bugs were found in a small number of cabins. Bedding was replaced and the area treated by specialist hygiene contractors as an additional precautionary measure."

- [Daily Record](#). [Press and Journal Energy](#).

Australia: Board sick thanks to formaldehyde

Tom Connelly knows all about the symptoms of sick house syndrome. As a carpenter he comes into regular contact with the formaldehyde-rich building materials that create health problems for residents. "If I'm using it on a hot day it sticks to me and I get very, very itchy," said the 52-year-old, who works in a Sydney shop-fitting factory. He told the Sydney Morning Herald his work environment is filled with dust from wood products such as medium-density fibreboard, or MDF. "It gives you a sinus-type headache... a couple of the boys get a bit wheezy from it," he said. CFMEU, the union that represents carpenters, launched a campaign last month to crack down on imports of wood products that contain high levels of the chemical, which can cause irritation, allergies and cancer. Australian-made products are subject to tight standards but there are no laws governing the formaldehyde levels on imports. "The fact is there is an Australian standard for exposure, based on long-term health concerns, and we want it to be enforced on those imported products," said the union's health and safety spokesperson, Martin Kingham. For workers like Connolly, such changes cannot come quick enough. "It's a great pleasure working with real timber," he told the Herald, "but when you're working with MDF, it's just a job."

- [Sydney Morning Herald](#).

Australia: Job stress causes depression

High work demands are to blame for widespread depression in Australian workers, with women workers worst affected, according to Melbourne University research. The study, led by associate professor Tony LaMontagne, found that almost one in six cases of depression among workers in the state of Victoria was caused by job stress. He said employers must be mindful of the strain unreasonable work demands can have on workers' mental health. Unless moves were made to moderate job demands and provide support for supervisors and colleagues to better understand the problem, the professor said, mental health issues would continue to put enormous pressure on the health service. The study found 17 per cent of working women suffering depression could attribute their condition to job stress, compared with 13 per cent of working men with depression. Workers in low-skilled jobs are also twice as likely as those in higher-skilled professions to experience job stress. "The most disadvantaged people in society - and the ones with the least resources to counter it - are the most likely to be affected by the problem," the professor said. The study also suggested the workers' compensation system is not well-equipped to deal with the issue, with the number of people suffering depression in the workplace under-represented in compensation statistics. "there is a substantial under-recognition and under-compensation of job strain-attributable depression," Professor LaMontagne said.

- [The Age](#). [The Australian](#).

Europe: Unions REACH out on chemical safety

Unions will play an active role in promoting the Europe-wide chemicals regulation REACH, union confederation ETUC has said. The commitment came on 3 June 2008 as the Helsinki-based European Chemicals Agency (ECHA) became operational. REACH obliges industry to register the chemicals it manufactures or imports in quantities of more than one tonne a year. Acting through its member organisations, the ETUC said it will contribute to the information campaign meant to raise European companies' awareness of the new regulations. "The ETUC plans to draw on all its member organisations and their thousands of elected representatives in most companies in Europe to distribute its own information material on REACH, as well as the information provided by the European Commission," the union body said in statement. "The ETUC is a key player in the success of REACH. It is the only organisation capable of reaching, through workers' representatives, the greatest number of companies in Europe, irrespective of their size." An ETUC study assessing potential benefits of REACH found the new legislation could lead to the prevention in Europe "of some 90,000 cases of skin and respiratory diseases (excluding cancers) caused by exposure to dangerous chemical substances."

- [ETUC news release](#). ECHA news release [[pdf](#)]. [Defra news release](#).
- [HSE REACH webpages](#).

Global: Worldwide safety pact with steel giant

The world's largest steel company and trade unions representing its employees worldwide have signed a groundbreaking agreement to improve health and standards throughout the company. The global union federation for the metalworking sector, IMF, said the agreement with ArcelorMittal recognises the vital role played by trade unions in improving health and safety. IMF general secretary Marcello Malentacchi commented: "In signing this agreement we are signalling our commitment to make a meaningful impact on current health and safety standards in the company. The success or failure of the agreement will depend on our continuing efforts to achieve our goal of every worker, whatever their position in the company, returning home safely at the end of each day." ArcelorMittal chair and CEO Lakshmi Mittal said: "Innovation and a willingness to make bold decisions have been at the heart of our success. We are pleased to join our union partners and apply that same philosophy to our approach to health and safety." Leo Gerard, president of the United Steelworkers, said: "Signing this agreement should act as a signal to other companies in the industry that unions are the solution to health and safety concerns, not the cause. Health and safety is the single most important issue for workers."

- [IMF news release](#) and global agreement [[pdf](#)].

USA: Unions win in Las Vegas strike deal

A construction safety strike that started on the Las Vegas strip on Monday 2 June, ended on Tuesday after unions secured major safety commitments. Construction workers had marched in circles outside the locked gates of the massive \$9.2 million CityCenter development, picket signs raised above their heads reading "Unsafe job site." The union members had walked off the job over concerns that the general contractor, Perini Building Co., was not doing enough to create a safe workplace. With thousands of workers walking out, it was the biggest construction shutdown over safety in Las Vegas history. After a day of strike action, Perini agreed to all the union demands. The company would pay an undecided amount to make sure that all workers receive 10 hours of safety training. Perini would allow researchers from the national trade union Building and Construction Trades Department to conduct an assessment of the site. Perini would allow all union officials full access to the site. Steve Ross, head of the Southern Nevada Building and Construction Trades Council, said the agreement should send a message to workers up and down the booming Las Vegas strip. They should feel emboldened to point out unsafe working conditions and demand to have them fixed. "This is a victory for the workers on the project," Ross said. "This is for the workers. The winners are the workers."

- Las Vegas Sun [feature](#) and [coverage of company statement](#). [CNN Money](#).

Events and Courses

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

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