

Risks

TUC 

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MAGAZINE

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Unwelcome return of the long hours culture

An extra 180,000 people across the UK are now working more than 48 hours a week, according to a TUC analysis of official statistics. The figures, included in a new TUC report, 'The return of the long hours culture', show the number of people working long hours has increased at a faster rate over the last year than the decline in excessive working between 1998 and 2006. In the first quarter of 2008, the total number of people working long hours increased by 0.5 per cent - 180,000 people - to 3.3 million, the report says. It argues that the recent increase in the number of people working long hours is due to the challenging economic climate, which has made employers more reluctant to recruit new staff and instead work existing employees harder. The analysis also finds that 85 per cent of new long hours workers are male. The TUC believes that this trend, in which senior jobs are increasingly reliant on long hours, could hamper efforts to close the pay gap, as women with childcare responsibilities are likely to be excluded from these roles. TUC general secretary Brendan Barber commented: "After slow but steady progress over the last decade, long hours working is making its way back into Britain's workplaces. Employees across the UK already work the longest hours in Western Europe and the recent increase will mean lower productivity, more stress and less time to have a life outside the office with friends and family."

- [TUC news release](#) and report, The return of the long hours culture [pdf]. [The Guardian](#).

Mixed progress on agency and hours laws

The UK government will keep its opt-out from the European Union's 48 hour weekly work ceiling, but has agreed a series of improvements to working time rules. A meeting of the EU's Employment and Social Affairs Council also reached an agreement on the agency workers directive, which provides new protection for temporary workers. The UK agency workers' rights will be based on an agreement struck last month by the government, the CBI and the TUC ([Risks 357](#)). TUC general secretary Brendan Barber said the deal agreed this week by EU ministers, which now goes before the European Parliament, "adds up to good news for people at work in the UK. The agreement on agency work is a major step forward in delivering a fair deal at work for UK agency workers and a real breakthrough on an issue that has been stalled at EU level for many years." He added: "While we are disappointed that the UK opt-out on the 48 hour working week remains, there has been real progress on other working time issues. Employers will no longer be able to put pressure on staff to sign away their working time protection for four weeks and there will be an absolute limit of a 60 hour average week for most of the workforce - affecting more than 400,000 workers. All these measures have been opposed by employer lobby groups. Nor has the UK government won a permanent opt-out, despite its energetic campaign. The opt-out will be reviewed again in the future. While there will need to be detailed negotiations, and attention to the small print, the EU has once again proved an important route to better working conditions and employment rights." The European Trade Union Confederation (ETUC) and the

Socialist Group of MEPs in the European Parliament have both said they will challenge the working time compromise. Socialist Group spokesperson Stephen Hughes described the deal as "a setback for Europe", adding: "This is a health and safety law – and as a point of principle there should be no room for an opt-out."

- [TUC news release](#) and [briefing on changes to working time rules](#). [ETUC news release](#). [Socialist Group of MEPs news release](#). [BERR news release](#). [CBI news release](#). [The Guardian](#).

Tony's death was no accident

The family of a Hartlepool council labourer who was struck down by a car as he put up signs has criticised the inquest process following a verdict of accidental death. Hartlepool Borough Council worker Tony Gate remained in a coma for nearly three years after being struck by a car in July 2003. Mr Gate suffered a severe traumatic brain injury when he was hit by the Ford Escort. He died from pneumonia in February 2006, aged 52. The family said they felt angry and let down by the inquest verdict. Representing Mr Gate's family, Andrew McDonald from Thompsons Solicitors commented: "We had hoped that the coroner's inquest would have been an opportunity to explore what happened to Tony, but, regrettably, the conflict between fact-finding on the one hand, which is allowed, and apportioning blame on the other, which is not allowed, deprives the inquest process of any real investigative value." He added: "This has been a most stressful ordeal for all of Tony's extended family and, while this part of the process is concluded, the family remain immensely disappointed at the failure of the coroner's inquest to get to the truth. Civil proceedings are under way and we owe it to Tony to continue to try and find out what happened." Maxine Bartholomew of the union GMB commented: "We are concerned about the lack of any traffic surveys having been carried out in this instance before the work started on this particular road. Had that happened, a more stringent and obvious traffic management system may well have been put in place and this terrible tragedy may have been avoided."

- [Thompsons Solicitors news release](#). [Northern Echo](#).

Network Rail 'playing Russian roulette' with safety

Network Rail is playing Russian roulette with rail workers' and passengers' safety by cancelling crucial rail-defect testing scheduled for the eve of a two-day maintenance strike due to start at mid-day on 14 June, rail union RMT has warned. The union has called on the railways inspectorate to investigate Network Rail's decision to scrap testing scheduled to take place on Friday 13 June. The union said it had also learned that electrical switching and power isolation is to be undertaken by managers who may not be fully competent to carry these safety critical tasks. "We are used to employers disregarding safety during industrial action, but this is the first time I can remember it happening before industrial action has even commenced," RMT general secretary Bob Crow said on 11 June. "This decision is astonishing and deeply disturbing because urgent

defects that would normally be picked up on Friday will now remain undiscovered until Monday June 16, and that will put other rail workers and passengers at serious risk throughout the weekend." The union leader added: "I have asked the railways inspectorate to investigate this matter urgently, and I have also urgently asked train operators what they intend to do under the circumstances, as they also have responsibilities for the safety of their staff and passengers." He said the union "has made it clear to members that if they believe they are in serious and imminent danger they have the legal right to invoke Worksafe procedures and request alternative duties, and if there is any victimisation as a result there will be an immediate ballot for industrial action."

- [RMT news release](#).

Rail cost cuts 'bad news for safety'

The financial squeeze on Network Rail announced this week by the Office of Rail Regulation (ORR) could compromise safety, rail union RMT has warned. ORR said Network Rail (NR) would receive £26.5 billion to carry out the programme set by the government between 2009 and 2014 - nearly £3 billion short of the £29.3 billion it sought. The ORR also demanded 21 per cent in efficiency savings - eight per cent more than the company had suggested. "There is a huge and urgent job to be done to increase Britain's rail capacity, but NR is facing a squeeze that will affect its ability to deliver even the modest programme the government has set, and threatens to undermine safety," RMT general secretary Bob Crow said. He added that "maintenance is now pared to the bone, the people working at the sharp end are under enormous pressure and we are seriously worried that the demand for extra efficiencies will be translated into short-cuts and unsafe working practices." As well as the cost savings, ORR said: "Network Rail must comply with its legal safety obligations and we expect to see continuous improvements in the company's safety performance. Network Rail must work with its industry partners to deliver the 3 per cent reduction in the risk of death or injury to passengers and rail workers from accidents on the railway."

- [RMT news release](#). [ORR news release](#).

Other news

Convicted fatality firm fined £2

A company convicted of workplace safety crimes after a fatal gas blast sent a fireball through its premises has been fined just £2. Campaigners say the case demonstrates the need for specific legal safety duties on company directors, with the prospect of jail terms for serious safety offences. Factory worker Christopher Knoop, 50, was killed and three others were seriously hurt when liquified petroleum gas exploded at North West Aerosols Ltd in Aintree in 2005. Company directors put the firm into voluntary liquidation afterwards. Judge Graham Morrow QC, sitting last week at Liverpool Crown Court, said the tragedy was "an accident waiting to happen," but he was only able to impose the "absurd and unreasonable" fine

of £1 for each of two safety offences, and £1 towards costs. He said had the company been making a profit he would have fined it at least £250,000. The company's directors - Stanley Brine, Len Buckland and Jim Milnes - did not attend any of the related court proceedings. HSE said there was not enough evidence to charge them. Mr Knoop's sister Christel Stewart said: "It's just a joke. There is no justice. I will not let this rest and I intend to fight on, not just for the sake of Christopher but for all the other employees who are put at risk by results like this." Health and Safety Executive (HSE) principal investigator Keith Morris said he was pleased with the outcome, despite legal costs of nearly £18,000. He said the victims and their relatives had wanted a prosecution, while the trial would also act as a warning to other companies. Members of campaign group Families Against Corporate Killers (FACK) joined Christel Stewart outside the court. A spokesperson commented: "FACK does not think fines for health and safety offences which kill workers or members of the public are a suitable punishment either for justice or for deterrence." She added: "FACK feel this case shows the need for directors' duties very starkly. FACK feels that directors running a company and taking the profit, have a moral and legal duty to comply with the law, protect workers, and to be held to account if they fail. We are calling on the government and the HSE to look urgently at the need to change the law to stop other workers being killed."

- [FACK news release](#) and [website](#). [HSE news release](#). [Daily Mirror](#). [Liverpool Daily Post](#). [Liverpool Echo](#). [BBC News Online](#).

Firework boss charged over deaths

A firework depot owner and his son have been charged with manslaughter over the deaths of two firefighters. Geoffrey Wicker, 49, and Brian Wembridge, 63, died tackling a blaze at Festival Fireworks near Ringmer, East Sussex, on 3 December 2006. Twelve other people were injured in the explosions and blaze, including nine firefighters and a police officer. Martin Winter, 50, and Nathan Winter, 23, have been bailed to appear at Lewes Magistrates' Court on 18 June. The company, now known as Alpha Fireworks Ltd, has been summonsed for breaches of explosives regulations. A fire service spokesperson said: "East Sussex Fire and Rescue Service will continue to do whatever it can to support the police and the Health and Safety Executive in its ongoing work to find out what happened at the incident." A police statement read: "The company, now known as Alpha Fireworks Ltd, has been summonsed for breaches of the manufacture and storage of Explosive Regulations 2005. The Crown Prosecution Service, in partnership with the Health and Safety Executive, advised Sussex Police during the investigation into the circumstances that led to the explosions and blaze at the firework depot and the deaths of two fire crew members." The company has a previous conviction for a breach of the explosives regulations ([Risks 286](#)).

- [The Telegraph](#). [BBC News Online](#). [Rye and Battle Today](#).

Five metre fall ends in fine

A five-metre fall that left Rhondda carpenter David Morgan with serious injuries that may well have ended his career has resulted in a fine for his employer. Mr Morgan fell from an extension ladder when he was working on a loft conversion. He was carrying an 8ft x 4ft piece of chipboard weighing approximately 25kg, and suffered a severely broken ankle, broken wrist, and facial injuries where the wood hit him after he fell. Loft conversion company Allied Welsh Ltd pleaded guilty at Bridgend Magistrates' Court last month to a safety breach. It was subsequently fined £25,000 at Crown Court and ordered to pay costs of £8,600. Speaking after the hearing, HSE inspector Steve Richardson said: "The company did not have a safe and suitable method of getting materials from ground level up to the loft space where they were working. Our investigation showed that the company had previous advice from HSE, but did not heed it on this occasion, and there was a systematic failure to provide safe working practices in this particular area. Mr Morgan has been seriously affected by this incident, even after all this time, and his case must serve as a warning to others to make safety priority while working at height, and using ladders."

- [HSE news release](#) and [Shattered lives web resource](#).

Five grand fine for near fatal fall

A worker was nearly killed when he tried to fix a ceiling unit and fell from a ladder, a court heard. Wellingborough firm Spray-Craft Coating Limited was fined £5,000 after the unnamed employee fell more than two metres from the top of a spray booth, resulting in several fractures and bleeding to his brain. The firm was also ordered to pay £1,100 costs at Wellingborough Magistrates' Court after pleading guilty to breaches of the work at height regulations. The prosecution was brought by the Health and Safety Executive (HSE). On 19 May 2007, the 57-year-old employee was removing a fan on the roof of the spray booth when he fell, suffering near fatal injuries. He was in an induced coma for two weeks. Chair of magistrates Andrew Scarborough said: "These are very serious offences and we commend the HSE for its vigorous approach in prosecuting. In terms of culpability for this offence, we believe this was carried out recklessly without any regard for the safety of those involved." HSE inspector Peter Snelgrove said: "This case, involving a small company of three employees, illustrates why risks should always be properly assessed. This incident could have been avoided, and a man not seriously injured if Spray-Craft had put a safe working plan in place."

- [HSE news release](#). [Northamptonshire Evening Telegraph](#).

Waitrose fined for teen's crushed arm

Supermarket chain Waitrose has been fined £25,000 after a teenage worker had his arm crushed in a machine at a Birmingham store. The 17-year-old broke both bones in his arm and was trapped in the machine for an hour and a half, Birmingham Magistrates' Court heard. He had to undergo operations, including a bone graft, after the incident involving a cardboard baling machine.

Waitrose Ltd pleaded guilty to safety offences in the prosecution brought by Birmingham City Council. The first charge related to failing to provide a safe system for using the machine, for which the company was fined the maximum at magistrates' court of £20,000. It was fined £5,000 for a second charge that it failed to carry out a sufficient risk assessment for the young people it employed. As well as the fine, the company was ordered to pay £4,792 costs. Councillor Neil Eustace, chair of Birmingham City Council's public protection committee, said: "Health and safety legislation is important as it protects the public and workers, particularly young workers as in this case. This shows that we will not hesitate to prosecute any company when appropriate, big or small, if they fail in their duty to protect people."

- [Birmingham City Council news release](#). [Birmingham Post](#).

MP savages insurance industry jackals

Insurers have been accused of being hypocrites and "jackals" because of their ongoing efforts to evade liability for asbestos compensation payouts. Labour MP Michael Clapham, the chair of the Commons all party asbestos sub-committee, was speaking in a 4 June Westminster Hall adjournment debate about the ongoing fight to restore compensation to victims of pleural plaques. Pleural plaques are scarring of the lungs caused by exposure to asbestos. Construction union UCATT says pleural plaque victims are a thousand times more likely than other people of contracting the incurable asbestos cancer mesothelioma. Last year the Law Lords ruled that pleural plaques should no longer be a compensatable disease, as it did not cause physical symptoms. Mr Clapham told MPs a leading accountancy firm had estimated that the Law Lords decision on pleural plaques was set to save the insurance industry £1.4 billion. Asbestos campaigners fear the pleural plaques decision is the tip of the iceberg as the insurance industry is now targeting all industrial illness compensation payments. An insurer-initiated High Court case which started last week will decide whether insurers are liable for damages from asbestos disease sufferers' first exposure, or from when they become ill ([Risks 359](#)). Mr Clapham commented: "If the insurance industry is successful in the trigger case, it will be able to escape liability completely. The insurance industry comes back time and again, like a jackal, to tackle the issue of occupational disease caused by asbestos."

- [UCATT news release](#). [Hansard report of the 4 June Westminster Hall debate](#).

Pressure wins pleural plaques review

A government consultation into a House of Lords ruling on the asbestos-related condition pleural plaques will begin this month. The commitment came in an adjournment debate in parliament on 4 June, initiated by Labour MP Michael Clapham. Parliamentary under secretary of state for justice Bridget Prentice told MPs the consultation will review the effect of the House of Lords ruling which brought to an end the right to compensation for pleural plaques. She said the government expects to announce its decision by November in time for the Queen's speech. "The consultation period

will begin very soon, and I hope that as a result my honourable friends will see serious action from the government, who are committed to helping people with pleural plaques and asbestos-related diseases," she said. Ian McFall, an expert in asbestos compensation law with Thompsons Solicitors, commented: "The House of Lords decision left thousands of working people disillusioned because they know their lungs have been marked by the asbestos they were wrongly exposed to and they have to live with the risk that some day they may develop a fatal illness. We welcome this consultation and urge that a decision be made quickly to restore the right of people with pleural plaques to be compensated."

- [Thompsons Solicitors news release](#).

Strains follow workers out of the office

More than two thirds of workers now suffer from repetitive strain injury, costing £300 million in lost working hours, a new study has found. The research from Microsoft revealed cases soared by more than 30 per cent last year because more staff than ever work both inside and outside the office. Office-based employees work on the move using laptops and mobiles for an hour more per day on average than they did two years ago. As a result 68 per cent of workers suffered from aches and pains, with the most common symptoms including back ache, shoulder pain and pains in hands and wrists as a result of working whilst in transit in cramped or awkward positions. Whilst advances in technology and demanding workloads have seen a growing need for staff to operate outside the office, the report found a worrying lack of knowledge about the risks from a crippling injury labelled 'Blackberry Thumb'. The survey of 1,000 office staff also found that a third of those suffering RSI symptoms did not realise this was work-related. When employees did report injuries to their human resources manager, 68 per cent said they did nothing. Less than half of UK workplaces have an ergonomic hardware programme in place and nearly a quarter of workers are not aware if their company even has one. Sophie Barnave-Gaffney from Microsoft said: "Clearly, there is an enormous lack of understanding about the need for ergonomics within the work environment."

- [Microsoft webpage](#) and report, Ergonomics and repetitive strain injury [[pdf](#)]. [Daily Mail](#). [Computer Weekly](#). [Personnel Today](#).

Diabetes higher in pesticide sprayers

People who spray pesticides have a higher risk of diabetes than the rest of the population, according to a new study. Scientists from the US National Institute of Environmental Health Sciences (NIEHS) found that people who spent more than 100 days using chlorinated bug sprays were 20 to 200 per cent more likely to get diabetes, depending on which chemical they worked with. "The results suggest that pesticides may be a contributing factor for diabetes, along with known risk factors such as obesity, lack of exercise and having a family history of diabetes," said researcher Dale Sandler.

"Although the amount of diabetes explained by pesticides is small, these new findings may extend beyond the pesticide applicators in the study." The study, which is reported in the American Journal of Epidemiology, looked at data for almost 32,000 licensed applicators who did not have diabetes at the start of the study. Over five years, 1,171, about 3.7 per cent, were diagnosed with diabetes. The study is "one of the largest studies looking at the potential effects of pesticides on diabetes incidence in adults," co-author Freya Kamel said. "It clearly shows that cumulative lifetime exposure is important and not just recent exposure." Of 50 chemicals evaluated, the study pinpointed five insecticides - aldrin, chlordane, heptachlor, dichlorvos, and trichlorfon - as well as the herbicides alachlor and cyanazine. For all seven, the odds of developing diabetes increased with both any use and cumulative use, the researchers said.

- [NIEHS news release](#). [Science Daily news release](#). [NBC San Diego](#).
- MP Montgomery and others. Incident diabetes and pesticide exposure among licensed pesticide applicators: Agricultural health study, 1993-2003, American Journal of Epidemiology, volume 167, pages 1235-1246, 2008 [[abstract](#)].

Does popcorn poison cause Parkinson's?

A top expert on diacetyl, the chemical responsible for an outbreak of the potentially fatal lung disease 'popcorn lung', now fears it could also be linked to Parkinson's disease. David Egilman, a physician and clinical associate professor at Brown University in the US, says he is aware of two cases of Parkinson's disease in men who were flavourists at Givaudan in Cincinnati, a large flavourings company. The plant has just 15 flavourists. Dr Egilman's suspicions were aroused because the disease is relative rare and the average age of onset is 60 – both the affected Givaudan employees are in their fifties. "Since the United States has no registry for diseases (especially for non-fatal chronic disease) there is no systematic way to evaluate disease exposure relationships in workers," Dr Egilman reported. "Food additives, like the butter flavouring agent diacetyl, are untested for non-cancer outcomes and not tested for adverse effects on workers exposed in the production of the flavourings or application to food products." He told Seattle Post-Intelligencer journalist Andrew Schneider: "I'm not saying there is a proven link between diacetyl and Parkinson's, but there are only 15 flavourists at the company and to find a relatively rare disease like this in two of them raises a concern." He added: "Parkinson's may not be a problem but we owe it to the workers and their families to at least check it out."

- The Pump Handle. Seattle Post-Intelligencer 'Secret Ingredients' blog. Hazards diacetyl webpages.

International News

Global: Union dismay at more journalist deaths

The International Federation of Journalists (IFJ) says that the abduction and murder last week of a local journalist working for the BBC in Afghanistan's southern Helmand province underscores the

need for comprehensive international action to confront the global crisis of violence against independent reporters. Abdul Samad Rohani was kidnapped on Saturday 7 June and his body was found on Sunday afternoon in Lashkar Gah. Also on Saturday a leading journalist in Somalia was killed in a targeted shooting. Nasteah Dahir, who worked for the BBC Somali Service and Reuters and was vice-president of the National Union of Somali Journalists, was shot dead as he returned to his home in Kismayu in the south of the country. IFJ president Jim Boumelha said: "Two dedicated and courageous colleagues have been struck down doing their duty in the world's most troubled regions. Their deaths must inspire us to practical action to help protect journalists." NUJ general secretary, Jeremy Dear, said: "The NUJ is calling on the authorities in Afghanistan and Somalia to actively seek and bring to justice their killers. This underlines the need for strong international action to halt the global crisis of violence against media workers." On 9 June, IFJ joined journalists' leaders and government representatives at the headquarters of UNESCO in Paris to discuss a five-year global programme developed by the International News Safety Institute to improve protection for journalists.

- [IFJ news release](#). [NUJ news release](#). [BBC News Online](#). [Daily Mail](#). [The Guardian](#).

Global: Play Fair campaigners confront IOC

Play Fair 2008 activists turned out at the International Olympic Committee's Swiss headquarters on 10 June to protest at the organisation's failure to tackle safety and labour rights violations by firms making Olympic merchandise. "The IOC has had years to consider these issues yet continues to delay – their response to the labour rights crisis in the production of Olympic goods is inadequate and risks tarnishing the reputation of the Olympic movement," said campaign spokesperson Esther de Haan. She handed over to IOC officials the signatures of more than 12,000 people from 99 countries worldwide who participated in Play Fair's alternative Olympic torch relay to carry a labour rights message to the Olympic body. In March Play Fair campaigners launched the "Catch the Flame" initiative to draw attention to the IOC's persistent failure to take responsibility for working conditions in Olympic supply chains. "The messages of concern from those who've signed onto Catch the Flame show that people from Afghanistan to Zimbabwe are joined in their belief that the IOC has to take action on these issues immediately," said Neil Kearney, general secretary of the International Textile Garment and Leather Workers Federation (ITGLWF). "Like any other brand-name company the IOC has to take supply chain responsibility, without doing so the five rings is on its way to becoming a symbol for the repression of workers fundamental rights." The campaigners say that despite first being contacted in 2003, the IOC has still produced no concrete plan to deal with poverty wages, excessive overtime, health and safety violations and union repression in the workplaces where Olympic products are produced.

- [ITUC news release](#). [Play Fair 2008](#). [Catch the Flame](#).

USA: New committee to push a US asbestos ban

US public health advocates have launched a Committee to Ban Asbestos in America (CBAA). The new group, created by the Asbestos Disease Awareness Organization (ADAO) and The John McNamara Foundation say many people wrongly believe asbestos is already banned in the US. One consequence is a rising toll of asbestos-related deaths. They say that since the asbestos cancer mesothelioma was first tracked in 1980, deaths have increased every year. CBAA chair Linda Reinstein said: "We are calling on the US Congress and the President to do the right thing and ban asbestos in America and fund critical medical programmes." She added: "Doctors and scientists agree: asbestos is a carcinogen and that there is no safe level of exposure. Preventing asbestos exposure is the only way to eliminate asbestos caused diseases." She said recent ADAO product testing "confirmed asbestos is still found in consumer products including toys." TC McNamara, founder of the John McNamara Foundation, commented: "Asbestos and the manufacturers of asbestos are responsible for creating the largest man made health crisis in this country." She added: "Asbestos went from being a miracle product to a serial killer which makes this legislation long overdue, but now is the time to ban asbestos in America."

- [CBAA news release](#). [ADAO website](#). [BanAsbestos.us](#). [International Ban Asbestos Secretariat \(IBAS\)](#).

Resources

Get working on occupational health

TUC's new occupational health workbook is now available free online. Over the next year, the TUC hopes that around 15,000 workplace safety reps can be trained using the new guide, 'Occupational health: Dealing with the issues' ([Risks 354](#)). The reps will be able to use the workbook "to assess the extent of ill-health in their workplaces and work with their employers to find the best ways of making the business a healthier place to work," says TUC. Headline figures released by the Health and Safety Executive in November 2007 revealed a dramatic increase in work related ill-health ([Risks 330](#)).

- Occupational health: Dealing with the issues [[pdf](#)]. [Unionlearn](#).

Events and Courses

TUC courses for safety reps

COURSES FOR APRIL TO JULY 2008

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- Subscribe to [Hazards magazine](#), supported by the TUC as a key source of information for union safety reps.
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