

# 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 16,000 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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### Useful Links

## **NUJ launches major anti-stress campaign**

Journalists' union NUJ has launched a major campaign to combat stress. The union says the move is in response to biting cuts across the media industry. As media organisations continue to cut back on investment in journalism, NUJ has been receiving increasing reports from members that pressures have become so great they represent a risk to journalists' health and safety. The campaign will push employers to begin taking their responsibility for workers' health and safety seriously, it says. NUJ general secretary Jeremy Dear said: "It's time for media companies to recognise that it's unacceptable for them to preside over regimes which are literally making people sick. Employers must take responsibility for protecting the mental and physical wellbeing of their staff. All journalists understand how to work under pressure – it's part of the job. But working under pressure is different from working under the constant stress that is now all too familiar to our members." The union's 'Stressed Out' campaign will build on work already undertaken across a number of employers in Scotland. Speaking about work-to-rule action taken by union members at the Daily Record and Sunday Mail, NUJ Scottish organiser Paul Holleran said: "Ideally we will change the workplace culture, with breaks being the norm and people not acting up without being paid the rate for the job. Management have to realise members of the NUJ are no longer prepared to jeopardise their health while helping implement further job cuts and damaging their products in the long run. It is a health and safety issue and we will take it the whole way to change this culture." Campaign strands include a survey of members, using the Health and Safety Executive (HSE) stress indicators as a benchmark.

- [NUJ news release](#) and campaign, [Stressed Out: Putting a stop to stress at work.](#)

## **Scottish councils put school kids at risk**

Some Scottish councils risked children's safety by trying to open schools when key members of staff were on strike this week. School staff union UNISON said opening schools with untrained workers covering fire and other health and safety situations had left parents worried over whether or not they should send their children to school. "It is extremely worrying that some councils are risking our kids' safety in order to try and claim some kind of one-up-manship over their striking staff, and it is very confusing for parents," warned regional organiser Tracey Dalling. "These frantic half-baked plans to try to open schools not only put children at risk, but mean that parents don't know whether to send children to school or not. Councils have had weeks to give a clear message to parents, where they are trying this tactic they are not only angering support staff, but alienating teachers and parents."

- [UNISON news release.](#)

## **Asbestos victims targeted by 'greedy' insurers**

A "greedy scheming" insurance industry is plotting to deny asbestos victims their rightful compensation, according to UCATT. Alan Ritchie, the building union's general secretary, used his speech at this week's Labour Party conference to launch a renewed attack on insurers. His comments follow an insurance industry initiated High Court challenge which started in the summer, where they are arguing that the insurer at the time a person was exposed to asbestos should no longer be responsible for paying compensation. Instead the "trigger" for compensation should be when the asbestos-related disease develops. Alan Ritchie told Labour delegates: "Every week 40 people die of mesothelioma. It is incurable. Victims die an agonising death. It is sickening that the insurance industry wants to block their compensation." UCATT said that if the industry was successful with its case, then hundreds of asbestos victims would no longer receive compensation, saving itself billions in reduced claims. The UCATT motion was accepted at Labour Conference, but that does not mean it will become Labour Party policy.

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

## **Migrant detainees used as cheap labour**

Detainees at the Campsfield House immigration prison in Oxfordshire are being "exploited for cheap labour" due to staff cuts, a union organisation has revealed. Oxford and District Trades Union Council said the rejected asylum seekers, who are locked up for lengthy periods pending their deportation, are being paid £5 for six-hour shifts of cleaning and kitchen work. A trades council statement said: "We maintain our position that Campsfield is a shameful operation and should be closed. As long as it is open, jobs should be properly paid and be done by trained staff." The statement added: "Detainees should receive an adequate financial allowance and not be obliged to act as slave labour for a multinational that makes big profits out of an operation that causes detainees enormous stress, uncertainty, general misery and often mental illness." Campaigning organisation Corporate Watch said since Global Expertise in Outsourcing (GEO) took over the running of Campsfield in June 2006, it had cut back on both staffing levels and educational, recreational and other provisions at the centre. It said over the past year, GEO had sacked education workers, nursing staff have departed, staff turnover has increased and the welfare officer has left. This month, the chaplain was suspended.

- [Corporate Watch news report](#). [BBC News Online](#).

## *Other news*

### **Bosses jailed for fireball death cover-up**

Two directors of a Dorset firm that broke criminal safety laws leading to the death of an employee, then pressured staff to give "false and erroneous evidence" to cover their tracks, have been

jailed. Reliance Scrap Metal Merchants (Parkstone) and one of its directors, David Matthews, had earlier been found not guilty of manslaughter ([Risks 370](#)). However, Matthews was sentenced at Winchester Crown Court this week to three years for perverting the course of justice. Fellow director Michael Anderson received 15 months, while employee David Lomas was jailed for six months, after admitting the same charge. Thomas Mooney, 64, was helping to cut cylinders of highly dangerous gases while standing in the hopper of a compactor machine when an acetylene cylinder exploded at the site in Poole, Dorset, in 2005. He was engulfed in flames and died later the same day. The trial heard it only when new evidence came to light at the end of the first trial that Matthews admitted he and Mr Mooney were inside the compactor hopper and operating it by remote control. At Winchester Crown Court, recorder Judge Broderick told Matthews: "You skilfully wove together a mixture of fact and fiction." Detective Inspector Steve Thorpe, of Dorset Police, said: "It has been a long and complex investigation. The defendants tried to impede and frustrate this investigation from the start." The Crown Prosecution Service conducted the case on behalf of both Dorset Police and the Health and Safety Executive (HSE). Reliance Scrap-Metal Merchants was also fined £60,000 for a breach of the Management of Health and Safety at Work Regulations. The fine was reduced from £90,000 because of an early guilty plea. David Matthews was fined a total of £1,000 for safety offences. Costs are still to be determined.

- [HSE news release](#). [BBC News Online](#). [Bournemouth Daily Echo](#).

### **Teenage exposure caused asbestos tragedy**

A Greater Manchester family has obtained £205,000 in compensation after their dad was exposed to asbestos as a teenager. The granddad-of-seven, whose name has not been released, died of the asbestos cancer mesothelioma following exposure to the dangerous dust while working during the 1950s for a company which became part of British Telecom (BT). His job at Bolton Manual Exchange involved laying telephone cables in floors and walls. His job included covering the cables with asbestos material, which protected against fire. He worked for the company for almost 40 years before taking early retirement in the 1980s. In March 2007 he was diagnosed with mesothelioma and he died just four months later. The family's legal adviser, Steven Dickens of Thompsons Solicitors, commented: "We are pleased we have been able to help this family to receive compensation. Mesothelioma is a terrible disease often caused by negligent employers." He added: "The number of people diagnosed with asbestos related illnesses is expected to rise until 2010 so it is vital that employers who caused this suffering due to negligence, and their insurers, are held to account by paying compensation to the victims and their families."

- [Thompsons Solicitors news release](#).

### **Most workers turn in when sick**

Nearly threequarters (72 per cent) of UK employees go to work despite feeling so ill they could legitimately stay at home, a survey has revealed. The poll of 2,000 workers by medical insurance

provider Axa PPP healthcare indicated that the main reason for this 'presenteeism' was people saying they didn't want to let down their colleagues. A quarter of respondents said they just had too much work to do to take time off. One in seven were worried their sick leave records could be used against them if their employer came to making people redundant. One in five also admitted to using some of their annual leave days to cover up sick days, for fear of not getting paid or losing their job. Dudley Lusted of AXA PPP healthcare said the survey showed "most employees continue to turn up for work when they're feeling under the weather. And, if they do have to take time off, they can be trusted to come back as soon as they feel well enough to work again." He added: "It's wrong to subject hard working people to over zealous absence management methods such as having to report in sick to an occupational nurse 'helpline' or even be subjected to a lie detector test! Smart employers will make sure their managers are properly trained and supported to manage attendance positively and, when people are off work sick, concentrate on managing those employees whose attendance should give genuine cause for concern." The report echoes the findings of TUC research, that concluded punitive sickness absence policies were counter-productive, forcing the working wounded to take their bugs to work with them and hampering a proper recovery.

- [Personnel Today](#). [The Telegraph](#).

### **Corus in court again for safety failings**

Steel maker Corus has been fined again for serious safety failings. It the latest in a long sequence of prosecutions, the firm was this week fined £15,000 at Hartlepool Magistrates' Court and ordered to pay £6,248 costs after a crane operator was crushed. Jonathan Laverick suffered serious injuries when he was struck by a 1.7-tonne section of steel tubing after it fell on top of him. This followed an April prosecution when the firm was fined after a worker at its Rotherham strip mill was killed when a load fell from a defective crane. In the latest incident, Mr Laverick's injuries included a broken leg, five broken ribs and a punctured lung. He spent several weeks in hospital, where doctors placed him in an induced coma. The 41-year-old had been operating a remote-controlled crane at Corus Tubes in Hartlepool, which used a magnetic attachment to lift "rafts" of steel tubes. Hartlepool Magistrates' Court was told that a section of the tubing snagged on a wall while it was being carried by the crane, causing it to fall to the ground, hitting Mr Laverick. Dominic Adamson, for Corus, which pleaded guilty to safety offences, acknowledged the firm could have done more to reduce the risk to Mr Laverick, but said: "This was an unfortunate, isolated incident, where individual error was substantially the cause. Corus, however, did not bury its head in the sand after this incident and took the opportunity to improve its systems." The steel giant's systems have been called repeatedly into question. Corus was fined £170,000 and ordered to pay costs of £30,000 in April after strip mill worker Shane Eastwood was crushed to death when a load fell from a defective crane ([Risks 354](#)).

- [HSE news release](#). [Hartlepool Mail](#). [Northern Echo](#).
- [More on recent Corus deaths and prosecutions](#).

## **Forklift amputee speaks out on safety**

A woman who lost her leg at work is helping with a national safety campaign. Admin worker Lisa Ramos, now 35, was hit by a reversing 2.5-tonne forklift truck at NYK Logistics in Findern, Derbyshire, in March 2006 and had her leg crushed. Mrs Ramos, from Kirkby-in-Ashfield, had to have her leg amputated above the knee. "I hope my experiences will make people think twice, because the truth is I'm lucky I wasn't killed," she said. Mrs Ramos is a spokesperson for the Fork Lift Truck Association during this week's Fork Lift Truck Safety Week. She said the campaign "couldn't have come at a better time for me as now I have something very positive to look forward to and hopefully if we can reduce the accidents and deaths then it will be something good." Last week, NYK Logistics admitted breaching health and safety regulations and was fined £20,000 and £5,941 costs at Derby Crown Court. Andrew Turner, Health and Safety Executive principal inspector for Derbyshire, said: "Although the company had identified that pedestrians were at risk from moving vehicles and taken some steps to try to minimise this risk, it had become commonplace for pedestrians to walk through areas where forklift trucks manoeuvred and reversed. Ms Ramos could have been killed as a result of this incident and has suffered a very serious injury, but it could have been avoided if NYK had taken a few simple measures such as ensuring Ms Ramos' duties didn't involve her having to walk across a vehicle loading area or putting barriers in place to prevent pedestrian access." The Fork Lift Truck Association says the UK's 350,000 fork lift trucks account for more than 400 serious accidents every year - more than one per day across the country. Statistics suggest as many as two-thirds of forklift incidents kill or injure someone who was not driving the truck at the time.

- [HSE news release](#). [BBC News Online](#). [Ashfield Chad](#).
- [HSE guide to workplace transport and site layout](#). [Fork Lift Truck Safety Week](#).

## **Unilever doesn't care for workers' skin**

A UK multinational with a multimillion pound trade in skin care products has been fined after trashing the skin of its own employees. Unilever was ordered to pay £28,000 in fines and costs after a number of Merseyside workers contracted dermatitis. Twenty-five employees and Remploy agency workers were exposed to chemicals at the firm's Port Sunlight plant between 5 September 2005 and 22 February 2007. Wirral Magistrates' Court heard the workers' job was to clean and maintain machines used to produce washing powder tablets. The company apologised to staff after it was prosecuted by the Health and Safety Executive (HSE). The court was told Unilever not only failed to assess the risk, but they failed to monitor the health of the employees who were exposed to the products. They also failed to report cases to HSE within the appropriate time period, a legal requirement. Unilever pleaded guilty to breaching its duty to employees. A company spokesperson said: "We abide by the decision of the court and deeply regret that on this occasion our health and safety procedures did not prevent these cases of irritant dermatitis occurring." Unilever was fined £13,990 for breaches of regulations and must pay the £14,780

prosecution costs. The company has UK sales worth approaching £900m a year.

- [Liverpool Echo](#).

### **Laundry fined after neck-trapping incident**

An Essex laundry has been fined £30,000 after an employee was seriously injured when his neck and hands were trapped in a conveyor. After pleading guilty to safety offences, Eastern Counties Laundries Ltd, of Coggeshall, Essex was also ordered to pay £15,000 costs at Colchester Crown Court. The Health and Safety Executive (HSE) prosecution followed an incident on 20 April 2006 at the company's site at Clacton on Sea. An employee climbed into a conveyor feeding into the washing system, to dislodge a blocked item of laundry. The conveyor activated, trapping his neck and hands, causing serious injuries, including external bruising and burns, and internal burns to his throat. HSE inspector Julie Rayner commented: "HSE's investigation found that blockages in the washing system occurred several times a day, yet there was no formal procedure for unblocking the machine, nor any training designed for such incidents. Workers were regularly climbing into the conveyors, placing them at significant risk of injury. The system for stopping the conveyors in an emergency, which the employee in this incident activated, was also faulty." She added: "This serious incident could, and should have, been prevented by the company ensuring that proper risk assessments and training for using this type of machinery were carried out. The company should also have taken steps, either at the point of installation or during use, to ensure that when the machine was stopped it exhausted all the energy within the system so components could not continue moving."

- [HSE news release](#).

## *International News*

### **Europe: Campaigners target worst chemicals**

A coalition of environmental, consumer and union safety organisations has published a 'Substitute It Now!' list of 'high concern' chemicals. The aim of the 'SIN List' is to speed up implementation of REACH, the new EU chemicals law, by encouraging companies to make sound substitution decisions. The SIN List 1.0 includes nearly 300 chemicals such as formaldehyde, benzene, asbestos and dozens of other industrial carcinogens, reproductive hazards and highly dangerous toxins. On 18 September, the SIN List 1.0 was presented to more than 70 multinational companies at a high-profile conference in Brussels. Per Rosander, director of ChemSec, the non-governmental organisation coordinating the SIN project, commented: "The SIN List 1.0 is the first collaborative effort to identify substances that meet the official REACH criteria for authorisation. For chemicals that are carcinogenic, persistent, bioaccumulative, the time for precautionary action is now! Companies need to take a proactive approach to replace these known culprits with safer alternatives."

Under REACH, the 27 EU member states have undertaken to establish a list of Substances of Very High Concern, or SVHCs, comprised of the chemicals that cause cancer, birth defects and other serious health effects. But so far they have nominated only 16 high concern chemicals in the official process.

- [ETUI-REHS news item](#). [SIN List 1.0](#).
- [ChemSec](#). Substitution 1.0 – the art of delivering toxic-free products [[pdf](#)].

### **Global: Warning sounds on mobile phone makers**

Young workers are being exploited in Asia's mobile phone factories, facing hazardous conditions, exhausting hours and brutal suppression of any dissent. A new report from labour rights campaign MakeITfair says the electronics workers handle chemicals without protective gear, work inhumane overtime hours to scrape a poverty wage and are punished if they make mistakes. 'Silenced to deliver' adds that in the export processing zones in Asia where the factories are located, protests are often brutally suppressed. MakeITfair investigated labour conditions at six factories producing components for Nokia, Samsung, Motorola, LG, Sony Ericsson and Apple's iPhone in China and the Philippines. The research revealed that working conditions violate national laws, International Labour Organisation conventions and the mobile phone companies' own codes of conduct on issues such as working hours and use of hazardous chemicals. The report says excessive hours lead to workers sometimes falling asleep on the job or making mistakes, leading to further deductions from paltry wage packets. The quick pace of work forces some workers to forego protective equipment even though they are handling chemicals that may harm their health. Jenny Chan at Hong Kong-based SACOM, the member organisation of makeITfair that coordinated the research in China, said: "Health and safety is not only about providing the right equipment, but also about giving the employees the possibility to use it. Workers we have interviewed for this report show symptoms that are typical for mishandling of chemicals. Education and a reasonable work pace are urgently needed if their health is to be protected."

- [MakeITfair news release](#) and Silenced to deliver report [[pdf](#)].

### **India: 'Devastating' asbestos cancer epidemic looms**

Record and rising asbestos imports to India will translate to thousands of asbestos-related cancer deaths each year and are already responsible for "a hidden epidemic," according to an expert report published this week. The authors say the report exposes the Indian government's collusion with asbestos stakeholders at home and abroad, and call for an immediate national ban on all asbestos use. 'India's asbestos time bomb,' published by a coalition of Asian campaign and research organisations, global union federations and the International Ban Asbestos Secretariat (IBAS), calculates that total asbestos usage in India since 1980 exceeds 6 million tonnes, matching the amount used in the UK in its entire industrial history. India is far and away the world's largest importer of asbestos. "The

UK is now in the grip of its largest ever industrial disease epidemic, with between 5,000 and 10,000 estimated to be dying of asbestos cancers every year," commented report editor Laurie Kazan-Allen. "India, with ineffective regulation on asbestos use, is on the verge of a much larger and more devastating epidemic." Annual imports of asbestos to India now exceed a quarter of a million tonnes, and have climbed rapidly over the last decade. Usage accelerated after the Indian government in 2004 slashed import duty on asbestos. Laurie Kazan-Allen said "politicians and asbestos peddlers should take heed – we aim to see the industry wither and die and its apologists face the courts for knowingly and in the name of profit pushing the world's worst ever industrial killer."

- [IBAS news release](#). India's asbestos time bomb, September 2008 [[pdf](#)].

### **South Africa: Miners 'dying like flies'**

The horrific death rate in South Africa's mines is seeing workers 'dying like flies', unions have said. The Congress of South African Trade Unions (COSATU) said it is "outraged by the almost daily reports of fatal accidents in our mines. We send our deepest condolences to the families and fellow workers of all those who have perished in the absolutely unacceptable number of accidents which are currently occurring." Last week the 2008 fatality count reached 127, approaching the toll for all of 2007. A statement from COSATU said: "This carnage must stop! COSATU fully shares the anger of the National Union of Mineworkers that, at a time when workers, as they put it, 'continue to die like flies', the Department of Minerals and Energy's inspectors have refused to go and inspect the West shaft at ERPM, citing fears for their safety. They are thus admitting that the mine is not safe and that no one should be working in it!" Three workers died last week in an incident at the DRD Gold-owned East Rand Proprietary Mines (ERPM) gold mine in Boksburg. "COSATU demands the inspectorate immediately investigate this and all the other mines where fatalities have occurred recently and order them to close down until all safety precautions have been checked, remedial action completed and disciplinary action taken against any officials found to have been guilty of negligence," the statement said. "COSATU fully supports the NUM's policy of downing tools every time a worker dies, as both a mark of respect and a protest at the excessive loss of life." NUM is seeking stricter penalties against negligent employers under the proposed Mine Health and Safety Amendment Bill.

- [COSATU news release](#). [ICEM news release](#). [Business Report](#).

## *Resources*

### **TUC guide to risk assessment**

The TUC has produced a guide to risk assessment. It says the new resource provides safety reps with the tools to ensure their employer has done a suitable risk assessment and taken appropriate measures to implement the measures required. TUC adds that the guide "should also help safety reps to challenge the

employer if they do not do a suitable assessment or do not act to remove the hazards identified in the risk assessment." The resource is part of a package of materials prepared by TUC for the risk assessment-themed European Health and Safety Week, which kicks off on 20 October. Thirteen courses on risk assessment will run at various locations in England between October and December this year. The Wednesday of safety week, 22 October, is National Inspection Day, when safety reps will be encouraged to undertake inspections – and a TUC guide is available to help with this.

- [TUC publication alert](#) and TUC guide to risk assessment [[pdf](#)]. TUC guide to inspections [[pdf](#)]. [TUC risk assessment courses](#).

## *Events and Courses*

### **World Day for Decent Work, London, 7 October**

Want to take part in a London event to mark World Day for Decent Work on 7 October? Well you can - the TUC is hosting an event at its London HQ, where unions, development charities and other civil society organisations will be holding workshops, exhibitions, stalls and showing films focusing on Decent Work themes including rights at work and ending inequality in the workplace, particularly with regard to women. The day will end with a solidarity rally at Congress House. Related events will take place worldwide. Global union federation ITUC this week launched a World Day for Decent Work-themed channel on the video sharing website YouTube, including clips produced by the ITUC and other trade union organisations nationally and internationally. Already on the site are videos on Export Processing Zones in Haiti and in Honduras, repression of trade union and other human rights in Burma and Guinea and construction workers in Australia.

- [Further details and registration](#) for the Tuesday 7 October event at TUC, Congress House, Great Russell Street, London WC1B 3LS. [TUC World Day for Decent Work webpage](#).
- [ITUC briefing](#) and [ITUC YouTube channel](#).

### **Food industry safety conference, 8-9 October, London**

If you want to know more about safety in the food and drink sector, here's your chance. The Food and Drink Manufacture Health and Safety Forum and the Food and Drink Group of the Institution of Occupational Safety and Health (IOSH) have got together to hold a two-day conference on 8-9 October at the Imperial Hotel in Blackpool. IOSH says at the event leading industry experts will share their experiences. Speakers include Judith Hackitt, chair of the Health and Safety Executive, Usdaw health and safety officer Doug Russell and industry representatives. Topics to be covered include an update on the 'Recipe for safety' initiative, machinery safety, accident investigation, manual handling and musculoskeletal disorders, occupational health, directors' responsibility for health and safety and the multicultural workforce.

- [IOSH briefing](#). For further information, call 0116 257 3231 or email [Nick Wale](#). Tickets for the full conference cost £170 + vat for IOSH and TUC members, £210 + vat for non-members. A one-day pass costs £90 + vat for IOSH and TUC members, and £110 + vat for non-members. [Food and Drink Manufacture Health and Safety Forum](#).

### **Future of safety enforcement conference, London, 24 November**

A major conference organised by the Centre for Corporate Accountability (CCA) is to examine 'The future of safety enforcement'. The event, which is supported by the TUC, will take place in London on 24 November. Speakers include HSE chair Judith Hackitt, TUC head of safety Hugh Robertson, Louise Adamson of Families Against Corporate Killers (FACK), Prospect HSE branch chair Neil Hope-Collins and James Clappison MP, the Conservative party spokesperson on health and safety. CCA says: "The conference will examine the current strategies of the Health and Safety Executive and Local Authorities in enforcing health and safety law - and consider whether there is, as some are suggesting, a 'crisis of enforcement' and, if so, what impact this is having." It will also consider the possible impact of the Corporate Manslaughter Act 2007 and government proposals to reform Coroners law.

- The future of safety enforcement, Hamilton House, London, 24 November 2008. Cost: £50 (individuals/trade union representatives); £100 (public bodies); £150 (lawyers, private companies); £20 (unemployed). [Conference programme](#) and [registration form](#).

### **TUC courses for safety reps**

COURSES FOR SEPTEMBER TO DECEMBER 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](http://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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