

Risks

TUC 

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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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Union concern at rail signal 'blunder'

A signalling blunder at Edinburgh Waverley station this week could have resulted in a head-on collision between two passenger trains, rail union RMT has warned. The union has asked the Railways Inspectorate to investigate reports that on 7 October a train was signalled into a platform at the station at the same time as another was being signalled out of it, and to probe the competency of the managers being used to staff signal boxes during the signallers' strike. RMT general secretary Bob Crow said the union has information that a near miss occurred at 1.30pm on Tuesday as "a train was signalled out of platform 10 at Waverley Station at exactly the same time as another was being signalled into it." He said: "If that is true it amounts to a near miss and it raises serious concerns about the competency of the managers Network Rail is using to do our members' jobs during the dispute, and I have asked the railways inspectorate to investigate as a matter of urgency." The union leader added that Network Rail "has been attempting to label RMT as a union that considers safety to be optional, but this underlines the double standards of an organisation that is happy to water down its own safety standards during a dispute. If one of our members was responsible for a serious blunder like this the book would be thrown at them, yet the company is putting managers who may not have been in a box for years into the front line and putting rail workers' and passengers' lives into their hands."

- [RMT news release](#).

Six figure payout after crushing death

The family of a Gloucestershire man killed at work in May 2003 has been awarded £335,000 compensation at the High Court in London. The claim was brought against the employer of Unite member Dean Thomas by his widow Nicola and his two children, Richard and Hannah. Dean, 42, had worked for JR Crompton Limited for nearly 20 years. The company manufactured perforated paper for use in products such as tea bags. It was successfully prosecuted by the Health and Safety Executive in 2006 after Dean was crushed by a hydraulic lowering device whilst working inside the enclosure of a paper slitter-rewinder machine when a workmate pressed the wrong button. The company was fined just £200, however, as it was in administration when the case came to court ([Risk 274](#)). Mr Justice Griffiths-Williams, who heard the compensation case at the High Court, dismissed an allegation by Zurich, the firm's insurer, that Dean in some way contributed to the accident by his own "negligence". He found that Dean would not have appreciated that his workmate was about to start the machine. Widow Nicola Thomas said she was "delighted that the court ruled that Dean was not in any way responsible for his death. To lose a loved one is difficult enough, without having to deal with allegations that he was to blame. With the backing of Unite we were determined to fight on until Dean was cleared of being at fault, once that had happened we could move forward as a family with some peace of mind and we were happy to settle the compensation claim." David Lewis of Unite, who gave evidence at the trial, said: "This case has been a grotesque dance by Zurich insurance to reduce the amount of

compensation that this innocent family should receive. We all have a right to go to work and not be injured or killed and the union is pleased to have been able to stand by this family to see justice done in one of the most tragic situations that anyone can face.”

- [Thompsons Solicitors news release. The Forester.](#)

Wrong step led to elevator injury

A 45-year-old PCS member from Birkenhead has been awarded compensation of £3,250 after injuring her back, hip and knee when entering a lift at work. The social security worker's claim was successful against her employer and sub-contractors. The incident occurred in October 2004 at a Department of Work and Pensions office in Birkenhead. The woman, whose name has not been released, entered an elevator not realising that the floor of the lift was several inches lower than it should have been. She misjudged the level of the floor, severely jarring her back. The incident led to pain in her leg and back that persisted for several months. "The lift should have been properly maintained to ensure that anyone entering could do so safely," said Lisa Gormley of Thompsons Solicitors, who represented the woman for PCS. "A claim was initiated against her employers who in turn blamed various contractors who carry out maintenance for the lifts in the building. It was therefore necessary for us to issue court proceedings against four defendants. The case was eventually settled against all four of them, each accepting liability."

- [Thompsons Solicitors news release.](#)

Childhood exposure caused fatal cancer

The family of a UNISON member who died as a result of being exposed to asbestos as a child has received a "substantial" compensation payout. George Dickerson developed the asbestos cancer mesothelioma as a consequence of playing in dust which blew out of the Cape asbestos factory in Barking, east London. The disease lay dormant until 2006, and George died in August that year, leaving his wife Shirley, daughter Jane and two grandsons. Before he retired George worked with adults with learning difficulties and was a member of public sector workers' union, UNISON. Linda Perks, UNISON regional secretary for London, said: "It is shocking that Mr Dickerson died as a result of playing in the street as a young child. UNISON was pleased to support his claim, as Cape needed to take responsibility for the devastating effect of the asbestos dust. This compensation will never make up for the loss of a husband, father and grandfather, however, we hope it will be a comfort to Mr Dickerson's family to know that Cape has been held to account." George's daughter, Jane Jones, said her dad was angry that he was exposed to asbestos at such a vulnerable age. She said: "As soon as he was diagnosed with mesothelioma, he knew it had been caused by playing with the asbestos when he was a child." She added: "He was angry about it because nothing was done to protect local residents from the asbestos. He wanted to

make people aware about the factory's negligence and he wanted the owners to take responsibility.”

- [Thompsons Solicitors news release](#).

Police presence protects travellers

Removing free travel from Metropolitan police officers will result in more attacks on transport workers and passengers, transport union RMT has warned. The union said the long established practice helps prevent some attacks and should be extended to all forces to help stem “the rising tide of violence” faced by transport workers. Responding to reports that the Met force was under pressure over the £24 million cost of free travel for its officers, RMT called for all transport companies to be obliged to carry police officers free of charge. The union is campaigning for better protection for transport workers, highlighting the year-on-year increase in attacks on staff and calling for co-ordinated action to tackle the problem, as well as better legal protection for transport workers. “Free travel for police officers was introduced by the Met in the 1970s to help stop the rise in attacks on transport staff – and it does help,” RMT general secretary Bob Crow said. “Every Met officer who uses free travel on buses, Tubes and trains intervenes on average three times a year to stop or prevent trouble, and it is clear that ending the scheme would result in more transport workers and members of the public being attacked.” Official figures from the Rail Safety and Standards Board show there were 4,865 reported assaults against rail workers, or 13 a day, in 2007, up from 3,179 in 2002. That figure does not include London Underground, where there were 2,064 reported assaults during 2006/07 – a 17.5 per cent increase over the previous year. RMT adds the bus industry has been so fragmented since its deregulation and privatisation in the mid-1980s “that industry-wide assault figures are simply not kept.”

- [RMT news release](#).

Other news

We told you we were sick

People who have long spells of sick leave are at far greater risk of an early death than healthier employees, researchers have found. The finding could help pick out at-risk groups, the University College London researchers reported in the British Medical Journal. Taking extended sick leave more than once in three years, particularly if the absence is because of surgery or circulatory or psychiatric problems, is a red flag, according to the report. In fact, deaths increased as the medically certified absence rates (stretches of more than seven days) increased, according to the research by a team at University College London. The study of absence records for 6,478 British civil servants between 1985 and 1988, a part of the long running ‘Whitehall II’ research programme, showed that people who had one or more medically certified absence in three years had a 66 per cent increased risk of premature death compared to those with no such absence. Workers who were absent because of circulatory disease were four times more likely to die

prematurely than their colleagues with no absences. Those absent because of psychiatric illnesses were nearly twice as likely to die prematurely, while workers needing an operation were more than twice as likely to die early. Employees taking sick leave because of a musculoskeletal condition were an exception to the findings. They were at no more risk of premature death than their colleagues who took no extended leaves. Although it may seem unsurprising that sicker workers are more likely to die, earlier findings of the Whitehall II study, the UK's biggest ongoing occupational health study, concluded "short term absences may represent healthy coping behaviours," with these workers less likely to end up on the long-term sick list. Dealing with problems at an early stage might prevent them becoming a more serious – potentially deadly – condition later, requiring longer spells of sick leave. This suggests punitive sickness absence approaches encouraging "presenteeism" – attendance by the working wounded – may have a seriously detrimental effect in the long run.

- [Washington Post](#). [BBC News Online](#). [The Telegraph](#).
- Head J, Alexanderson K, Westerlund H, Vahtera J and Kivimäki M. [Diagnosis-specific sickness absence as a predictor of mortality: the Whitehall II prospective cohort study](#), BMJ Online First, 2 October 2008 [pdf].
- Kivimäki M and others. Sickness absence as a global measure of health: evidence from mortality in the Whitehall II prospective cohort study. BMJ, vol.327, pages 364-70, 2003.

Scots body will probe accidents at work

A body to investigate accidents in Scottish workplaces has been set up in an effort to improve safety. The Specialist Health and Safety Division will examine cases reported to the procurator fiscal by the Health and Safety Executive (HSE). Lord Advocate Elish Angiolini QC said the creation of the department will produce a concentration of expertise and help to identify bad practice. The division, which will start operating in January 2009, will be led by a senior prosecutor overseeing teams of lawyers. Lord Advocate Elish Angiolini QC said: "Reports from the HSE to the Procurator Fiscal can range from the tragic loss of life at work, to incidents with potentially life threatening consequences. Each case is an opportunity to identify bad, and illegal, practice; to bring to justice those who fail to discharge their responsibilities under health and safety law; and, importantly, to bring all relevant expertise to bear to help create and maintain safer workplaces." Judith Hackitt, chair of HSE, which has a Britain-wide remit, welcomed the creation of the body. "Our joint working in such specialised and sensitive territory can only be enhanced by having a dedicated team of lawyers involved." The Scottish Trade Unions Congress (STUC) said it supported the move "wholeheartedly". General secretary Grahame Smith, said: "Our experience of dealing with families who have paid the ultimate price of health and safety failures, the loss of loved ones, is that there would be comfort in knowing that a dedicated team of specialist prosecutors were committed to investigating the fatal event as swiftly as possible and making sure the case against any potential accused was expertly prepared." He added: "This new Division must also ensure that families receive frequent updates and progress reports during the often lengthy investigation process and during any court proceedings."

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

Fireworks pair deny manslaughter

The owner of a fireworks depot and his son have denied the manslaughter of two firefighters who died in an explosion at a site in East Sussex. Martin Winter, 50, boss of Alpha Fireworks Ltd, and Nathan Winter, 23, both of Marlie Farm, Shortgate, pleaded not guilty at Lewes Crown Court and were released on unconditional bail. Retained firefighter Geoff Wicker, 49, and support officer Brian Wembridge, 63, died on 3 December 2006 ([Risks 286](#)). The two defendants are each charged with two counts of manslaughter. The indictment alleges that the men unlawfully killed Mr Wicker and Mr Wembridge by gross negligence by failing to provide "a duty of care in the handling and the storage of fireworks that posed a (risk of) mass explosion or hazard." A not guilty plea was also entered for Alpha Fireworks Ltd, which faces two charges of contravening health and safety legislation. A provisional trial date was set for 21 June next year at Lewes Crown Court. Last year, firefighters' union FBU called for an overhaul of the regulations that cover the import, manufacture, transport and storage of fireworks in the UK ([Risks 355](#)). The union was speaking out on the first anniversary of the Marlie Farm tragedy. It said the investigation into the explosion uncovered a number of other incidents involving fireworks where lives had been lost and many people had been injured. The union added that emergency services and the public are being put in needless danger because of confused regulation, lack of monitoring and the poor labelling of imported fireworks.

- [The Sun](#). [BBC News Online](#). [Horsham Today](#).

Victims 'shocked' at flawed meso scheme

A new government scheme to pay a lump sum to all mesothelioma sufferers, irrespective of occupational exposure, could leave many asbestos disease victims out of pocket. The scheme, which came into effect on 1 October, had been sought by campaigners to ensure all those with the asbestos cancer mesothelioma received payouts. It closes loopholes that had excluded those developing the condition because they were self-employed or didn't know where they were exposed to asbestos or whose exposures were not at work, for example the result of environmental exposures or from asbestos contamination on a family member's work clothing. However, the Asbestos Victims Support Groups Forum said it was "shocked and appalled" to discover that some asbestos disease sufferers "will lose compensation in order to fund the scheme." Those who will be hit hardest will be claimants who have received reduced payouts for asbestos related diseases, as a result of a firm like Turner and Newall going bust or where some of their former employers could not be traced. Their lump sum payments from the government scheme had previously been protected, but under the new scheme would be recovered by the government from their already reduced compensation payout. Asbestos Forum chair Tony Whitston said the change "is deliberate policy and asbestos victims and the Forum are calling on government to amend the legislation so that asbestos victims do not end up funding the new scheme." He added: "We are

calling on government to take immediate steps to stop funding the new scheme by reducing further small amounts of compensation received by asbestos victims.”

- [Asbestos Forum](#) news release [[pdf](#)]. [DWP news release](#). [Rochdale Observer](#).

Lagger gets asbestos payout

A former asbestos worker from Barrow-in-Furness has received £70,000 in compensation after he was diagnosed with the asbestos related cancer, mesothelioma. The man, who does not wish to be named, was awarded compensation after he was exposed to asbestos while working as a lagger for Millers Insulation, Turner and Newall and Vickers Shipyard. He was diagnosed in April this year. He was exposed to asbestos while working in the shipyards in Barrow-in-Furness. From 1951 to 1961 his job as a lagger meant he was exposed to asbestos on a daily basis. Solicitor Andrew Venn from Thompsons who dealt with the case and who reached a settlement with the former employers within 19 weeks said: “We understand how important it was for this client to have his case concluded during his lifetime and we are pleased we have been able to do this successfully. Compensation will never restore his health but it does provide some reassurance and financial security.” Many affected people die within months of a mesothelioma diagnosis. The Health and Safety Executive launches its ‘Asbestos: The hidden killer’ campaign next week, targeting tradespeople.

- [Thompsons Solicitors news release](#). [Asbestos: The hidden killer](#).

City bankers suffer from economic woes

More City workers are seeking help for mental health issues, as well as drug and alcohol addiction, a private mental health clinic has said. The Capio Nightingale Hospital, located near London's banking district, says “square mile syndrome” is afflicting City bankers and hedge fund managers. The clinic says the number of City workers seeking advice for anxiety, depression and stress is up by a third since July, and there has been a 30 per cent rise in patients seeking help for drugs and alcohol addiction. “We're seeing 25-year-old bankers waking up with acute anxiety and stress, and realising that the job they thought they had for life and the bonuses they had come to rely on had literally disappeared overnight,” said Capio Nightingale's medical director, William Shanahan. “We can draw worrying comparisons with the Black Wednesday days of the 1990s, when we saw a sudden spike in the number of City workers who suffered mental health problems after the bottom fell out of the market. We want to try to avoid this happening again.” He added: “If we don't watch out, square mile syndrome could be a timebomb.” Research shows repeatedly that the highest levels of stress are not in booted-and-suited bankers, but increase markedly the lower you get down the workplace pecking order – where the problems of low income, lack of control and job insecurity can be a year round problem, and frequently the result of the casino capitalism that gives traders and bankers their beloved bonuses.

- [The Guardian](#). [The Times](#).

Working through mental problems

The government says it is pushing new funds into its Access to Work scheme with the aim of helping people facing mental problems to stay in work. Work and pensions secretary James Purnell said the funding increase would allow support to be made available for people with mental health conditions either already in work and experiencing difficulty, or those about to enter employment, as well as for their employers. A new feature of the London pilot scheme would be the capacity to respond quickly when mental health deteriorates or problems emerge. Speaking this week at a Social Market Foundation (SMF) event, James Purnell said: "In the UK mental health problems cost the economy of Great Britain more than £40 billion each year - nearly two-thirds of this is the impact on people's ability to work." He added: "Statutory Sick Pay alone costs employers over £1 billion each year- the government and employers must work together to bring that cost down by recognising that work can in fact aid recovery and give people their independence back." The minister said the pilot "will direct money specifically to this problem, looking to help people with mental health issues to manage their condition." He said Access to Work funding will be doubled to £138 million by 2014.

- [DWP news release](#). [Shifting responsibilities, sharing costs: The mental health challenge for welfare reform](#), Jessica Prendergrast, Beth Foley and Tom Richmond, SMF, October 2008.

Firm fined for noise and safety offences

A Lincoln company that broke workplace noise and safety regulations has been fined £5,000 and ordered to pay £3,390 costs. Mico Tomic, 34, an employee of GB Logan Fabrications Ltd, fractured his foot in a workplace incident. He had removed a plasma cutting machine's spoil drawer, weighing 40kg, when he tripped over a pallet of waste material and dropped it onto his foot. The noise at work breach followed an HSE inspector discovering excessive noise levels during a visit. Previous advice on noise had been given to the company. HSE inspector Judith McNulty-Green, said: "A series of errors resulted in one incident which thankfully only caused temporary damage to a man's health, but on-going high noise levels which could potentially damage the hearing of the entire workforce. HSE's investigation found the firm had not researched any means of controlling noise exposure, and was relying on hearing protection to safeguard individual worker's hearing." The firm pleaded guilty to breaches of the Management of Health and Safety at Work Regulations and the Noise at Work Regulations.

- [HSE news release](#).

Watchdogs venture out after dark

The next three weeks will see the night-time economy in the South West put under the spotlight as inspectors from the Health Safety Executive (HSE) and local authority environmental health departments take part in a joint initiative to improve working conditions for hundreds of workers. Inspections will take place from 13 October to 30 October across many parts of the region and will focus on issues including management and supervision, training, transport, working at height, slips and trips and language - for example, where migrant workers are present. HSE inspector David Cowley, who is coordinating the initiative, said: "This inspection 'blitz' should give both us and the local authorities a good overview of the health and safety standards in the night-time economy across the region." He added: "We will not hesitate to challenge robustly any owners or managers of businesses where employees and others are being put at risk because of health and safety failures and we will not hesitate to take enforcement action to secure improvements." Night workers frequently complain of lone working, lack of supervision, training and first aid support, and lack of access to welfare facilities like canteens that are available to the day shift.

- [HSE news release](#) and [guidance on night work](#).

Firm fined over falls risk

A North East roofing company has been fined £6,000 and ordered to pay costs of £17,028 after it failed to ensure that roofing work was carried out safely on an industrial building on Wearside. Abercorn Homes Ltd was found guilty at Sunderland Magistrates' Court of two breaches of the Work at Height Regulations 2005, following an investigation by the Health and Safety Executive (HSE). HSE inspector Michael Brown said: "Three workers were observed by a HSE inspector carrying out additional cladding work on the roof of the building, about four metres from ground level. Edge protection had not been provided for the eaves of the building, which were approximately 50 metres long, although it had been provided on the gable ends of the building. In addition, a scissor lift had been inappropriately used to gain access to the roof and modified to carry materials." The inspector added: "I would like to remind those who manage or control work at height of the importance of ensuring that the work is properly planned by a competent person, appropriately supervised and carried out in a safe manner."

- [HSE news release](#) and information on the [Work at Heights Regulations](#).

International News

Australia: Piggery workers get heart infection

Two Australian piggery workers have survived a potentially deadly disease of the heart valves after contracting a bug from animals

bound for the abattoir. Doctors at Canberra Hospital treated a 46-year-old woman and a 58-year-old man for fevers, sweating and severe weight loss caused by endocarditis, a serious condition that damages heart valves. The woman required a heart valve replacement to survive. The bacterium, *Streptococcus suis*, is common in pigs and can transfer to humans through contact with live or dead pigs. It has taken a heavy toll in the industry, most recently in 2005, when 215 Chinese butchers and meat processors became infected, killing more than half of them. Commenting on recent Australian cases, Karina Kennedy, an infectious diseases physician at Canberra Hospital, said: "These cases show that it is an occupational hazard in Australian piggeries, with potential public health, animal health and medico-legal implications." Paul Seale, a professor of clinical pharmacology at Sydney University, said the cases should serve as a warning. "We need occupational health and safety experts to go into these piggeries and rigorously examine ways in which the workers can be better protected from this exposure before it happens again." The same heart condition can be acquired by other occupational groups. Q fever endocarditis, caused by different bacteria - *Coxiella Burnetii* - can occur in workers handling animals and animal products, for example farm, hide and abattoir workers. There have been several outbreaks in the UK.

- [Sydney Morning Herald. News.com.au.](#)
- Karina J Kennedy and others. [Two cases of Streptococcus suis endocarditis in Australian piggery workers.](#) Medical Journal of Australia, volume 189, number 7, page 413, 2008.

Canada: Work refusals win safety assurances

Workers who refused to work at Canadian firm IMP Aerospace because of concerns over safety returned to the job this week after receiving a commitment their complaints would be addressed. The workers, members of the Canadian Auto Workers (CAW), refused to start work at the IMP facility at Halifax Stanfield International Airport last week. They were exercising a legal "right to refuse dangerous work". The union, which represents about 500 aviation mechanics at IMP, was upset that safety concerns raised months ago had not been resolved by the company. Approximately 200 of that 500 had exercised their individual right to refuse dangerous work. Scott Beaver, president of Local 2215, said workers had returned to their jobs, and the local had a "written commitment" from the company that issues would be dealt with.

- [CAW news report. The Chronicle Herald. Globe and Mail.](#)
- CAW [Right to refuse.](#)

Global: Action on pirate attacks agreed

Seafarers serving on ships covered by International Transport Workers' Federation agreements are to receive special 'war risk' payments in the Gulf of Aden following an emergency meeting of the International Bargaining Forum (IBF) on 7 October. In response to the continuing threat of pirate attacks, owners and unions agreed

to establish with immediate effect a "high risk area" that covers the major part of the Gulf of Aden. The Memorandum of Agreement at the meeting stipulates that seafarers on ships covered by IBF agreements will receive a bonus equal to 100 per cent of their basic wage while the vessel is in transit. The normal rates of death and disability compensation for seafarers will be doubled during this period. Brian Orrell, the general secretary of the London-based Nautilus UK union who led the seafarers' side in the talks, said: "We have been very seriously concerned about the reports from the Gulf - the pirate attacks seem to be escalating and covering a wider area of the Gulf. This agreement is breaking new ground in recognising that seafarers face serious risks at sea besides just the possibility of being asked to sail into an area where wars are in progress. This is a major step forward for the IBF."

- [ITF news release](#). [Nautilus news release](#).

USA: Watchdog says hectic pace was deadly

Nevada workplace safety regulators say a building contractor's poor safety practices and the rush to finish work at a major development on the Las Vegas Strip led to the death of a construction worker in June. The findings by the Nevada Occupational Safety and Health Administration contained the most explicit connection to date between safety and speed in the midst of the \$32 billion building boom on the Strip. Nevada OSHA refused to back away from its findings on the fatal accident despite objections from the contractor, Marnell Corrao Associates. It was the third consecutive case in which the agency has refused to back down from the findings of its investigators. The Las Vegas Sun reported in spring that the agency had routinely reduced or withdrawn citations after contractors objected, but had become more resolute since the situation was exposed in the media. The death occurred on 16 June, when the now-stalled Echelon project was still being built at top speed. Carpenters stripping what are known as "frame shoring towers" that mould concrete in a hotel basement had been pressured for days by their foremen to hurry up. In the rush, Lyndal Bates, 49, mistakenly tied his safety harness to a piece of the A-frame-shaped scaffolding that he was taking down. When he threw that piece to the ground, it pulled him down with it. He landed on his head after falling 13 feet. His death was one of 12 at Strip construction sites in the past 22 months. "The crew foreman directed employees to work alone, to throw all shoring system components to the ground and rushed them to hurry-up, which deviated from the 'common' practice for falsework removal, from the company established procedure as well as from the manufacturer/supplier specifications noted in the Design Plans," Nevada OSHA's report said.

- Las Vegas Sun [news report](#) and [related editorial](#).

Resources

HSE office checklist for safety reps

The Health and Safety Executive has published an online display screen equipment assessment checklist "to help safety reps and other officials to assess the risks to workers from visual display units and comply with legal requirements." The eight page document covers display screens, keyboards, trackball/computer mouse, software, furniture, environment and, finally, questions to ask the person actually using the workstation. Use it and tell us what you make of it.

- [HSE checklist \[pdf\]](#). [How was it for you?](#)

Events and Courses

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 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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